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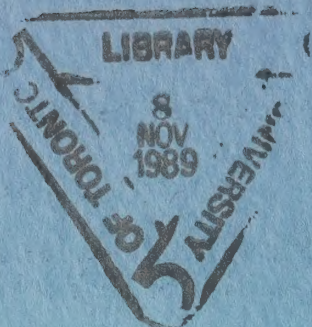
Volume #

31

Royal Commission on Crime,

Tuesday June 5, 1962.

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RECEIPTS

Date		Particulars		Amount	
1881	Jan 1	Balance forward			100.00
1881	Jan 15	Received of J. B. Smith		50.00	
1881	Jan 20	Received of J. B. Smith		25.00	
1881	Jan 25	Received of J. B. Smith		75.00	
1881	Jan 30	Received of J. B. Smith		100.00	
1881	Feb 1	Received of J. B. Smith		150.00	
1881	Feb 5	Received of J. B. Smith		200.00	
1881	Feb 10	Received of J. B. Smith		250.00	
1881	Feb 15	Received of J. B. Smith		300.00	
1881	Feb 20	Received of J. B. Smith		350.00	
1881	Feb 25	Received of J. B. Smith		400.00	
1881	Feb 28	Received of J. B. Smith		450.00	
1881	Mar 1	Received of J. B. Smith		500.00	
1881	Mar 5	Received of J. B. Smith		550.00	
1881	Mar 10	Received of J. B. Smith		600.00	
1881	Mar 15	Received of J. B. Smith		650.00	
1881	Mar 20	Received of J. B. Smith		700.00	
1881	Mar 25	Received of J. B. Smith		750.00	
1881	Mar 30	Received of J. B. Smith		800.00	
1881	Apr 1	Received of J. B. Smith		850.00	
1881	Apr 5	Received of J. B. Smith		900.00	
1881	Apr 10	Received of J. B. Smith		950.00	
1881	Apr 15	Received of J. B. Smith		1000.00	
1881	Apr 20	Received of J. B. Smith		1050.00	
1881	Apr 25	Received of J. B. Smith		1100.00	
1881	Apr 30	Received of J. B. Smith		1150.00	
1881	May 1	Received of J. B. Smith		1200.00	
1881	May 5	Received of J. B. Smith		1250.00	
1881	May 10	Received of J. B. Smith		1300.00	
1881	May 15	Received of J. B. Smith		1350.00	
1881	May 20	Received of J. B. Smith		1400.00	
1881	May 25	Received of J. B. Smith		1450.00	
1881	May 30	Received of J. B. Smith		1500.00	
1881	Jun 1	Received of J. B. Smith		1550.00	
1881	Jun 5	Received of J. B. Smith		1600.00	
1881	Jun 10	Received of J. B. Smith		1650.00	
1881	Jun 15	Received of J. B. Smith		1700.00	
1881	Jun 20	Received of J. B. Smith		1750.00	
1881	Jun 25	Received of J. B. Smith		1800.00	
1881	Jun 30	Received of J. B. Smith		1850.00	
1881	Jul 1	Received of J. B. Smith		1900.00	
1881	Jul 5	Received of J. B. Smith		1950.00	
1881	Jul 10	Received of J. B. Smith		2000.00	
1881	Jul 15	Received of J. B. Smith		2050.00	
1881	Jul 20	Received of J. B. Smith		2100.00	
1881	Jul 25	Received of J. B. Smith		2150.00	
1881	Jul 30	Received of J. B. Smith		2200.00	
1881	Aug 1	Received of J. B. Smith		2250.00	
1881	Aug 5	Received of J. B. Smith		2300.00	
1881	Aug 10	Received of J. B. Smith		2350.00	
1881	Aug 15	Received of J. B. Smith		2400.00	
1881	Aug 20	Received of J. B. Smith		2450.00	
1881	Aug 25	Received of J. B. Smith		2500.00	
1881	Aug 30	Received of J. B. Smith		2550.00	
1881	Sep 1	Received of J. B. Smith		2600.00	
1881	Sep 5	Received of J. B. Smith		2650.00	
1881	Sep 10	Received of J. B. Smith		2700.00	
1881	Sep 15	Received of J. B. Smith		2750.00	
1881	Sep 20	Received of J. B. Smith		2800.00	
1881	Sep 25	Received of J. B. Smith		2850.00	
1881	Sep 30	Received of J. B. Smith		2900.00	
1881	Oct 1	Received of J. B. Smith		2950.00	
1881	Oct 5	Received of J. B. Smith		3000.00	
1881	Oct 10	Received of J. B. Smith		3050.00	
1881	Oct 15	Received of J. B. Smith		3100.00	
1881	Oct 20	Received of J. B. Smith		3150.00	
1881	Oct 25	Received of J. B. Smith		3200.00	
1881	Oct 30	Received of J. B. Smith		3250.00	
1881	Nov 1	Received of J. B. Smith		3300.00	
1881	Nov 5	Received of J. B. Smith		3350.00	
1881	Nov 10	Received of J. B. Smith		3400.00	
1881	Nov 15	Received of J. B. Smith		3450.00	
1881	Nov 20	Received of J. B. Smith		3500.00	
1881	Nov 25	Received of J. B. Smith		3550.00	
1881	Nov 30	Received of J. B. Smith		3600.00	
1881	Dec 1	Received of J. B. Smith		3650.00	
1881	Dec 5	Received of J. B. Smith		3700.00	
1881	Dec 10	Received of J. B. Smith		3750.00	
1881	Dec 15	Received of J. B. Smith		3800.00	
1881	Dec 20	Received of J. B. Smith		3850.00	
1881	Dec 25	Received of J. B. Smith		3900.00	
1881	Dec 30	Received of J. B. Smith		3950.00	
1881	Jan 1	Received of J. B. Smith		4000.00	



A/1/JNO

TUESDAY, JUNE 5TH, 1962

---On resuming at 10:15 a.m.

MR. WILSON: Recall Sergeant Anderson.

JOHN MILLS ANDERSON, recalled:

THE COMMISSIONER: You are still under oath.

THE WITNESS: Yes, my lord.

MR. WILSON: Will you let the witness have Exhibit 177?

MR. WILSON: Q. The reports contained in that Exhibit which are dated April 27th, 1960 and May 11th, 1960, and deal with raids on the Centre Road Club, I take it you have seen those reports before?

A. Yes sir, I have.

Q. Now, yesterday, former Officer W.C.B. Lawrence made reference to those reports and, in particular, to what he had set out in paragraphs 3 in each of the reports. Have you examined paragraphs 3 in those two reports?

A. Yes sir, I have.

Q. You are familiar with what he has said there?

A. Yes, sir.



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1 Q. I gathered from his evidence that
2 what he had set out in those paragraphs, he
3 thought, was a revelation of some kind as to the
4 wear on the beize or the cloth on the billiard
5 table?

6 A. There was nothing new in the
7 reports that hadn't been -- that wasn't known
8 prior.

9 Q. When you say which wasn't
10 known prior to that date or those dates, for
11 how long had the information that is set out
12 in those paragraphs been known to the Anti-
13 Gambling Branch?

14 A. Well, for instance, the
15 cigarette butts and cigar butts were one thing
16 around the tables. This was always a point
17 that we would take notice of when raiding a
18 premises.

19 THE COMMISSIONER: Q. Can't you sum
20 it up that there was nothing new in the
21 reports?

22 A. That is correct, my lord. There
23 was nothing new in the reports that wasn't known
24 before.

25 MR. WILSON: That is all, thank you.

26 THE COMMISSIONER: Any questions?
27 Thank you.

28
29 ---The witness withdrew.
30



Q. I gathered from his evidence that
that he had not met in those telephone, he
thought, was a revelation of some kind as to the
work on the basis of the sign on the building
there.
A. There was nothing new in the
evidence that would lead to any other
conclusion.
Q. When you saw the man who
known prior to that date in those cases, for
how long had the information that he had
in those telephone calls been in the
company's possession?
A. Well, for instance, the
evidence that the man who was in the
company's possession. This was always a point
that no would have been at work for a
period.
Q. The question is, if that was the
it up that there was nothing new in the
evidence?
A. That is correct, my lord. There
was nothing new in the evidence that would lead to
any other
conclusion.
Q. All right, that is all, thank you.
THE COURT: Any questions?
THE JURY: Thank you.
THE COURT: All right, dismissed.

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1 MR. WILSON: Now I will call Mr. Louis
2 Herman.

3
4
5
6 LOUIS HERMAN, recalled:

7
8
9 THE COMMISSIONER: Mr. Herman, you were
10 sworn before?

11 A Yes, on whatever the day was.

12 THE COMMISSIONER: You are still under
13 oath?

14 THE WITNESS: Yes, of course.

15 MR. WILSON: Q. Now, you are - -
16 I think probably it is on the record. You are
17 a solicitor practising in the City of Toronto?

18 A Since 1930.

19 Q. The name of your firm?

20 A. Herman and Moses.

21 Q. Now, what was the first
22 relationship you had with either Vincent Feeley
23 or Joseph McDermott?

24 THE COMMISSIONER: Take them one at a
25 time.

26 MR. WILSON: Q. Let's take Vincent
27 Feeley first?

28 A. I couldn't distinguish. I saw
29 both of them in a matter. My best recollection
30 of it was that it was relating to a lease on the



THE UNITED STATES OF AMERICA

1911

THE UNITED STATES OF AMERICA

THE COMMISSIONER OF THE BUREAU OF REVENUE

WASHINGTON, D. C.

A. J. C. on November 10, 1911.

THE COMMISSIONER: You are still under

the

THE COMMISSIONER: Yes, of course.

THE COMMISSIONER: Yes, you are -

I think probably it is on the record. The act

a certain number in the city of London

THE COMMISSIONER: Yes, you are

THE COMMISSIONER: The name of your firm

THE COMMISSIONER: Yes, you are

THE COMMISSIONER: Yes, you are

THE COMMISSIONER: You had with others, I think having

THE COMMISSIONER: Yes, you are

THE COMMISSIONER: Yes, you are

THE COMMISSIONER: Yes, you are

THE COMMISSIONER: Yes, you are

THE COMMISSIONER: Yes, you are

THE COMMISSIONER: Yes, you are

THE COMMISSIONER: Yes, you are

THE COMMISSIONER: Yes, you are



1 Centre Road premises. They had had a fire there.
2 They were negotiating a new lease with the
3 landlord. Mr. Boyer, the late Mr. Boyer of
4 Brampton, was acting for the landlord. I had
5 occasion to negotiate the new lease with him.

6 Q. Then after that date, did you
7 have further professional dealings with them?

8 A. Yes, from time to time.

9 Q. I want to deal first with your
10 relationship to the Roseland Club. Will you
11 tell us when you first had anything to do
12 with that operation? That is the Roseland
13 Club at Windsor?

14 A. In 1954 -- I looked up the
15 date last night -- I was retained in the defence
16 of Leo Finnigan and, I think, a son of Mr.
17 Gardner's on a charge of obstructing the police.
18 I think it was 1954. If I may check my file,
19 I can give you the exact date.

20 THE COMMISSIONER: Yes, by all means.

21 THE WITNESS: Thank you, sir. Yes,
22 I defended these two men.

23 MR. WILSON: Q. Who are the two?

24 A. In August, 1954.

25 Q. Who are the two? Who were the
26 two men?

27 A. Leo Finnigan and I don't remember
28 his first name, but a son of Mr. Gardner, Mr.
29 Frank Gardner.
30

[illegible]



1 Q. Now, how did you happen to
2 become involved in the defence of that case?

3 A. Well, Mr. McDermott told me that
4 he had a friend in Windsor who was charged with
5 obstructing the police, that he had a matter
6 in which he wanted counsel to act for him
7 and he suggested -- he had suggested to Mr.
8 Gardner that he not retain local counsel in
9 Windsor. He wanted out of town counsel. He
10 had recommended me. Subsequently, whether
11 it was a telephone call or visit, I can't
12 tell you, but in any event, Mr. Gardner
13 contacted me.

14 THE COMMISSIONER: Gardner junior
15 or senior?

16 A. Senior. I never saw junior
17 until I got to Windsor.

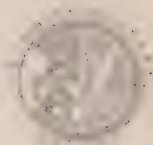
18 MR. WILSON: Q. Around that time,
19 did you have something to do with obtaining a
20 charter for the Roseland Club, a branch of the
21 Army Navy and Air Force Veterans?

22 A. No, not at any time.

23 Q. Not at any time. Do you know
24 a man named Burley Tatro, T-a-t-r-o, I believe?

25 A. I have heard the name for the
26 first time now. I don't know him.

27 Q. Do I understand you had
28 nothing to do with the obtaining by the Roseland
29 of the charter from the -- or a branch set up
30



1. The first question is...

2. The second question is...

3. The third question is...

4. The fourth question is...

5. The fifth question is...

6. The sixth question is...

7. The seventh question is...

8. The eighth question is...

9. The ninth question is...

10. The tenth question is...

11. The eleventh question is...

12. The twelfth question is...

13. The thirteenth question is...

14. The fourteenth question is...

15. The fifteenth question is...

16. The sixteenth question is...

17. The seventeenth question is...

18. The eighteenth question is...

19. The nineteenth question is...

20. The twentieth question is...

21. The twenty-first question is...

22. The twenty-second question is...

23. The twenty-third question is...

24. The twenty-fourth question is...

25. The twenty-fifth question is...

26. The twenty-sixth question is...

27. The twenty-seventh question is...

28. The twenty-eighth question is...

29. The twenty-ninth question is...

30. The thirtieth question is...

31. The thirty-first question is...



1 based on the Army Navy and Air Force Association
2 charter?

3 A. Nothing at all.

4 Q Then after the defence of Finnigan
5 and Gardner, what further work did you do on
6 behalf of the Roseland Club?

7 A Well, there had been complaints
8 to the Dominion command of the Army Navy and
9 Air Force Veterans that this Roseland Club
10 was carrying on illegal gambling, that actually
11 it wasn't a bona fide veterans' club. They
12 were using it for the purpose of gambling.
13 There was an investigation held by the Dominion
14 command. I appeared for the club at that
15 time.

16 Q Aren't we getting ahead of ourselves?

17 A If I am out of sequence, I am
18 sorry.

19 Q I would like to take it in
20 sequence. I want to know when you first
21 made any representations to either the Attorney
22 General or the Ontario Provincial Police on
23 behalf of the Roseland Club?

24 A I beg your pardon. I thought
25 you were referring to the charter that they
26 had. That would be in 1954, at about the
27 same time I defended Finnigan and Gardner junior.
28 I turned over to your assistant last night
29 most of ~~the~~ the correspondence or a great deal of
30

[illegible]



1 it.

2 Q. To simplify this, I have a
3 number of letters I am going to introduce.
4 I have them in one group there.

5 A. My lord, I turned over my letters
6 yesterday to Mr. Wilson.

7 THE COMMISSIONER: Are all these in
8 sequence?

9 MR. WILSON: They are in sequence, I
10 believe. I haven't seen them this morning,
11 but we went over them last night.

12 THE WITNESS: Thank you.

13 MR. WILSON: Have my friends copies
14 of these?

15 THE COMMISSIONER: Why not enter
16 the group as one exhibit and as we go through,
17 he can remark on each one?

18 MR. WILSON: I thought that would
19 simplify matters.

20 THE COMMISSIONER: It will be Exhibit 178.
21 This is correspondence - - -

22 THE WITNESS: Between my firm and
23 the Ontario Provincial Police as well as the
24 Attorney General's Department.

25 THE COMMISSIONER: Between the firm
26 of Herman and Moses and the Ontario Provincial
27 Police and the Attorney General's Department.

28 THE WITNESS: That is correct, sir.
29
30



Q. To amplify this, I have a

number of letters I am going to introduce.

I have them in one loose folder.

A. My lord, I turned over to you

the folder, as you said.

Q. Now, the folder, I am going to

introduce.

Q. Now, the folder, I am going to

introduce.

Q. Now, the folder, I am going to

introduce.

Q. Now, the folder, I am going to

introduce.

Q. Now, the folder, I am going to

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Q. Now, the folder, I am going to

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introduce.

Q. Now, the folder, I am going to

introduce.

Q. Now, the folder, I am going to

introduce.

Q. Now, the folder, I am going to

introduce.



1 ---EXHIBIT NO. 173: Series of correspondence.

2
3 THE COMMISSIONER: All right.

4 MR. WILSON: Possibly I can explain
5 what this correspondence will cover. It will
6 cover complaints made by this witness in
7 respect to the Roseland, the Veterans' Club at
8 Cooksville, and the Frontier Club.

9 THE WITNESS: The Frontier Club
10 didn't come into it until considerably later.

11 MR. WILSON: I appreciate that. I
12 am covering the whole.

13 THE COMMISSIONER: Q. This will
14 relate to the Yets' Club and the Roseland
15 Club?

16 A. That is right.

17 MR. WILSON: In addition, it will
18 cover correspondence passing between this
19 witness and the Deputy Provincial Secretary
20 in regard to, first, a request for special
21 returns on $\frac{1}{2}$ behalf of these three clubs and
22 then correspondence relating to the incorporation
23 of the three clubs on a Provincial charter basis
24 which is covered by Exhibits 11a, b, and c.

25 THE COMMISSIONER: Yes.

26 MR. WILSON: That correspondence will
27 also involve letters passing between the
28 Attorney General's Department and this witness
29 as well as the Deputy Provincial Secretary.
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an act of the Congress of the United States.

and the Secretary of the Treasury.

who have been appointed to the office of

the Secretary of the Treasury.

THE SECRETARY OF THE TREASURY.

which is covered by Article 1, Section 2.

of the three classes of the Treasury.

and the Secretary of the Treasury.

respective of the three classes and

in the year 1892, the Secretary of the Treasury.

Article 1, Section 2, of the Constitution.

and the Secretary of the Treasury.

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and the Secretary of the Treasury.

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relative to the year 1892 and the Secretary of the Treasury.

THE SECRETARY OF THE TREASURY.

and the Secretary of the Treasury.

and the Secretary of the Treasury.

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and the Secretary of the Treasury.

and the Secretary of the Treasury.

and the Secretary of the Treasury.



1 Now, with that general outline, if we can
2 start with the letter of July 7th, 1954,
3 which is a letter from Herman and Moses to
4 Commissioner E.Y. McNeill.
5

6 THE COMMISSIONER: You better read
7 it because I haven't seen it.

8 THE WITNESS: Shall I read it?

9 THE COMMISSIONER: No, Mr. Wilson
10 will.

11 MR. WILSON: (Reads):

12 "We act for the Roseland unit of the
13 "Army, Navy and Air Force Veterans
14 "in Canada.

15 " Our instructions are that at
16 "1.00 a.m. this morning, a
17 "number of your men, apparently the Anti-
18 "Gambing Squad, under a search
19 "warrant which was to have been
20 "executed on the 5th instant,
21 "entered the premises of the club
22 "by force.

23 " In addition, your men struck
24 "the side window of a motor car
25 "with a sledge hammer. A young
26 "lad in his late teens was asleep
27 "in this car waiting for his father
28 "and was of course awakened by this act
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1 "and pulled out of the car by one
2 "of the men and his shirt pulled off
3 "him and torn. It is only by good
4 "fortune that this boy was not
5 "seriously injured as a result of this
6 "window being broken.

7 " We feel confident that you
8 "will agree with us that your men
9 "should not have acted in this
10 "manner. We would suggest too
11 "that our clients would have a cause
12 "of action against your Department.
13 "While our clients can understand
14 "overzealous officers on occasions
15 "exceeding their authority somewhat,
16 "there is obviously no excuse for
17 "acting in this manner insofar as
18 "this young lad is concerned.

19 "We would assume that your Department
20 "will pay for the broken car window
21 "and this will be quite acceptable
22 "to us under these circumstances.
23 "We do feel however that your men
24 "should be reprimanded.

25 " The writer would be pleased
26 "to discuss this matter with you at
27 "any time at your convenience, should
28 "you feel that such a discussion
29 "would serve a useful purpose.
30



"and that is the way of the world"

"of the world and the world is the way"

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L.Herman

6543

"In any event we would be pleased
"to hear from you."

Do you propose to mark this "a"?

THE COMMISSIONER: Yes, that will be

"a".

---EXHIBIT NO. 178-a: Letter of July 7, 1954,
from Herman & Moses to
Commissioner McNeill.

MR. WILSON: Q. Now, on whose
instructions did you write that letter?

A. The instructions of Mr. Frank
Gardner.

Q. The next letter, which will be
"b", is July 9th, 1954, from E.Y. McNeill,
Commissioner of Police, to Herman & Moses:

---EXHIBIT NO. 178-b: Letter dated July 9th, 1954,
from E.Y. McNeill,
Commissioner of Police to
Herman & Moses.

"I wish to acknowledge receipt of your
"letter of the 7th instant, unsigned,
"having reference to the recent raid
"by members of our Anti-Gambling
"Branch, of the club premises operated
"by the Roseland unit of the
"Army, Navy and Air Force Veterans
"in Canada."

Stopping there, on the fact it wasn't signed,
was that just an oversight?



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L. Herman

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A. It must have been.

Q. Going on with this letter - - -

A. Certainly I sent the letter.

Q. at - - of July 9th:

" Reports have been received

"from the personnel of this force

"who participated in the raid,

"and it is noted xpp that the

"information apparently received

"by you from your client, and

"the particulars contained in

"the submissions made by the

"members of this force conflict

"considerably.

" After perusing the reports

"received, although it is certainly

"not our wish that our personnel

"resort to unnecessary force,

"I am unable to find evidence

"that they did exceed their

"authority on this occasion.

" If it is felt that an injustice

"occurred, or that your clients have

"cause for action, I would suggest

"that they take civil action, when

"all evidence can be presented

"in court.

" I will be away from the office

"for approximately one month, but



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"For information, all the world's eyes"

"I will be with you in spirit"

"In spirit"

"All eyes are turned to the scene"

"That was the last of the world's eyes"

"And the world's eyes were turned to the scene"

"It is the last of the world's eyes"

"And the world's eyes were turned to the scene"

"It is the last of the world's eyes"

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"And the world's eyes were turned to the scene"

"It is the last of the world's eyes"



1 "if you care to discuss the
2 "circumstances of this case with
3 "officials at this General Headquarters,
4 "and will contact Mr. H.Phelps,
5 "my Police Executive Officer, at
6 "Walnut 3-5401, the necessary
7 "arrangements will be made for a
8 "definite appointment."

9 THE WITNESS: Do you want the originals
10 when I come across them?

11 THE COMMISSIONER: Not necessarily.

12 THE WITNESS: All right.

13 MR. WILSON: Q. What happened after
14 you received that letter from the Commissioner?

15 A. Well, from my file I assume
16 nothing happened insofar as the Commissioner
17 is concerned. I certainly must have discussed
18 it with Mr. Gardner, and I wrote a letter
19 again to the Commissioner. The next one I have
20 in my file is July 29th, 1954.

21 Q. Then July 29th, 1954, will be "c".

22
23 ---EXHIBIT NO: 178-c: Letter dated July 29, 1954,
24 from Herman & Moses to
Commissioner McNeill.

25
26 Q. It is your letter to the
27 Commissioner: (reads):

28 "As you have been previously advised,
29 "we act for the Roseland unit of the
30 "Army, Navy and Air Force Veterans in

[illegible]



1 "Canada, with regard to whom we
2 received your letter on the 9th instant.
3 " We were pleased to note that
4 "this letter reiterated the fact
5 "that it was not your wish that your
6 "personnel result to unnecessary
7 "force and the reasonableness of your
8 "letter appealed to our clients
9 "with the result that we were
10 "instructed not to pursue the
11 "particular matter further.
12 " This Monday, the 26th instant,
13 "however, we received instructions
14 "to complain to you about the actions
15 "of your men on Saturday, the 24th
16 "instant. Due to pressure in the
17 "office, the writer was unable to
18 "write to you with regard to that
19 "incident. This morning we received
20 "an additional complaint. We know
21 "that you will agree with us that
22 "this type of conduct and procedure
23 "is not at all in keeping with the
24 "reputation of your force as has
25 "built up. It must be kept in
26 "mind that at no time has there been
27 "a prosecution against our clients
28 "for anything. If they are not
29 "conducting themselves properly, they
30



"I think," which would be the case

"I was pleased to see that

"I was not your first choice

"I was not your first choice

"I was not your first choice

"I was not your first choice

"I was not your first choice

"I was not your first choice

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"I was not your first choice



1 "should be charged and a trial held.

2 "In the absence of any such

3 "charge and conviction, we feel, without

4 "hesitation, that your force should

5 "not have acted as it did.

6 " On Saturday last, at 1:00 a.m.

7 "your men approached the premises,

8 "attacked a motor car in which a

9 "Veteran over sixty years of age

10 "was sitting, struck him, smashed

11 "his glasses, yanked him out of the

12 "car and struck him again. Your

13 "men seriously injured this man,

14 "all the time using profane and

15 "abusive language until the neighbours

16 "complained. The front door of the

17 "car was smashed with a sledge hammer.

18 " Your men at the same time

19 "smashed the front door of the premises

20 "causing considerable damage, when,

21 "had they knocked at the door, they

22 "would have been quickly admitted.

23 "Your Inspector Tomlinson, in front

24 "of a number of men sitting in the

25 "club, pointed to the Army, Navy and

26 "Air Force Charter on the wall and

27 "stated that he would be ashamed to

28 "belong to such an organization or

29 "be associated with the type of

[illegible]

...the



1 "people who belonged to it.
2 "He also advised one of the men that
3 "they had no right to display the
4 "photograph of the Queen and her Consort.
5 "Your men remained on the premises
6 "two and a half hours. During this
7 "time they made many remarks to the
8 "people who were present, took the
9 "names of all present and counted over
10 "the money of some of the people.
11 "There was no gambling paraphernalia
12 "whatever on the premises although
13 "there was a game of 'Hearts' in
14 "progress. ~~and said that would be~~
15 " It is significant and important
16 "that no charge whatever has been
17 "laid with regard to this raid.
18 " This morning your men, this time
19 "under Mr. Shrubbs, y once again repeated
20 "their improper conduct which resulted
21 "in three men being taken to the
22 "hospital. One Archie Bell, over
23 "sixty ~~was~~ years of age, heard a
24 "disturbance in the rear of the premises
25 "and walked out to find out what
26 "it was. He was attacked, pinned
27 "to the floor, struck several times
28 "in such a manner that he had to have
29 "medical attention. Robert Gardner
30



... of the ...



1 "was sitting in a motor car when a
2 "sledge hammer was thrown through the
3 "window by one of your officers who
4 "thereupon dragged him from the
5 "automobile, threw him to the ground,
6 "struck him with his fist five times,
7 "threw him up and down the verandah,
8 "tore his clothing, trousers and
9 "shirt, left him in a dazed condition.
10 "This assault was so vicious that the
11 "police themselves took him to the
12 "hospital.

13 " The front door was once again
14 "smashed, and your men went up to
15 "Mr. Frank Gardner, standing in the
16 "back of the house, threw him up
17 "against the wall and ^{struck} ~~smack~~ him.
18 "He, too, had to be taken to the
19 "hospital and he was advised after
20 "being examined, that this may have
21 "created a heart condition, for which
22 "he has to return for more thorough
23 "examination. The Hotel Dieu in
24 "Windsor has complete records and
25 "charts of the injuries to this man.
26 "
27 " We must repeat that, if your
28 "Department has any complaint about
29 "this club, its members or their
30 "manner of operation, a charge should



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1 "be laid and a conviction obtained.

2 "The records on the operations of
3 "this club are available to you and
4 "are open to inspection by anyone.

5 If your men desire to have a key
6 to the front door, it will be given
7 "to them.

8 " Some discussion was held with
9 your men on the premises with regard
10 "to the screens placed on the
11 "windows. It was pointed out that
12 "this club is out in the country
13 "in a section where there has been
14 "considerable trouble with break-ins
15 and hold-ups. There is no
16 "caretaker on the premises which
17 "contain valuable articles. The
18 "members of the club have felt that
19 "because of the location and the
20 "fact that the premises have been
21 "broken into with valuables taken
22 "therefrom, they wished to protect
23 "the premises in this manner. At
24 "one time there was a screen on the
25 "front door but this was removed
26 "weeks ago. The club would be
27 "extremely foolish to leave the
28 "place in the country standing
29 "without such screens on the windows.
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the number of the specimens in
the collection is 1272. This is
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" If your Department feel that
"it has cause for complaint, as
"stated above, we will turn over to
"you the same key which is given
"to responsible officers of the
"club and your Department will be
"free to enter at any time.

" Following your letter to us
"of the 9th instant, as stated,
"we had been prepared and instructed
"not to pursue the matter further.
"The position is now changed and we
"are forwarding copies of the
"correspondence, including this
"letter, to the Attorney General's
"so that he may look into this matter
"and take such action as is undoubtedly
"warranted by the above. These
"letters are being delivered by
"hand."

(Page 6558 follows)





1/10'B

L.Herman

6558

1 Q Now, what about the key. Did
2 you ever turn over a key to the police?

3 A I did not.

4 Q. And what is the relationship,
5 in point of time, to this letter, and the defence
6 of Gardner and Finnegan?

7 A. Apparently your letter - -
8 this letter was - - just a moment - - - is some
9 weeks prior to that. This letter is July
10 the 29th, and the trial on the obstructing
11 charge was held in August of 1954.

12 Q. It arose out of conduct on
13 what date?

14 A. I am afraid I have not that.

15 Q. What was the outcome of that
16 charge?

17 A. They were both acquitted.

18 Q. Now, who gave you the information
19 upon which you wrote that letter I have just
20 read of July the 29th?

21 A. Mr. Gardner.

22 THE COMMISSIONER: Senior?

23 A. Yes. I am sorry. I should
24 distinguish.

25 MR. WILSON: Q. Have you got a
26 date on your file/ as to when you first
27 opened that file?

28 A. What file?

29 Q. The one we are dealing with now?
30



Q. Now, what about the time...

A. Yes, that was the time...

Q. And then...

A. Yes, that was the time...

Q. Now, what about the time...

A. Yes, that was the time...

Q. Now, what about the time...

A. Yes, that was the time...

Q. Now, what about the time...

A. Yes, that was the time...

Q. Now, what about the time...

A. Yes, that was the time...

Q. Now, what about the time...

A. Yes, that was the time...

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A. Yes, that was the time...

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A. Yes, that was the time...

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A. Yes, that was the time...

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A. Yes, that was the time...

Q. Now, what about the time...

A. Yes, that was the time...

Q. Now, what about the time...

A. Yes, that was the time...

Q. Now, what about the time...

A. Yes, that was the time...

Q. Now, what about the time...



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A. May the 26th, 1954.

Q. The Roseland. And the obstructing trial was - -

A. October 17th, 1954.

Q. The next letter, which will be "d", a letter of July 29th, 1954 from yourself to the Attorney General?

A. That is correct.

Q. And it is simply enclosing copies of correspondence that we have just read, and it goes on to say:

"We know that you will go into

"this matter with the police and take

"such action as may be necessary

"and see to it that conduct such

"as this should not be permitted

"on the part of your men".

THE COMMISSIONER: There are two letters dated July the 29th?

A. It is the one in reply to this.

MR. WILSON: They are out of order?

THE COMMISSIONER: I have got them in order now.

MR. WILSON: Yes. In the letter to the Attorney General of the 29th, that letter will be "d", and the reply dated July the 29th by Mr. Cullen of the Attorney General's Branch will be "e". The next letter, August 4th, from yourself to Mr. Cullen re Roseland unit,

[illegible]



1 Army, Air Force, Navy Veterans:

2 "W.H. Common, Esq., Q.C.

3 "Acting Deputy Attorney General,

4 "Parliament Buildings,

5 "Toronto 2, Ontario.

6 "Dear Sir: Re Roseland Unit,

7 "Army, Navy and Air Force Veterans

8 "of Canada.

9 " This will confirm the writer's

10 "telephone conversation with you

11 "following your letter to us of

12 "July the 29th.

13 " The writer telephoned you

14 "yesterday and advised you that we had

15 "been instructed to complain to your

16 "Department with regard to the actions

17 "of the Provincial Police Inspector

18 "Temlinson. You advised us that the

19 "principle basis of the repeated

20 "actions of the police was your

21 "suggestion that the club premises

22 "were built and guarded like a

23 "fortress, thus preventing your men

24 "from obtaining evidence of any

25 "alleged breaches of the law which

26 "may have been carried on in the

27 "premises.

28 " We advised you that our clients

29 "were quite prepared to remove the

[illegible]



"persons from all the windows with
"the exception of the basement windows
"limit
"and that they would ~~maximized~~ their
"outside attendants to one parking lot
"attendant. Our clients advise us
"that they are prepared to proceed
"on this work forthwith, and you ask
"that we write to you confirming
"this suggestion.
" Our clients carry on a bona
"fide Veterans' Club on these premises,
"and retained on the windows the
"screens which had been left on the
"premises by the previous tenants,
"by reason of the fact that there
"had been a break-in some months
"ago, and that no one lives on the
"premises. This house being by
"itself out in the country, you can
"readily understand that when it is
"unattended it is not too difficult
"for someone to break in when they
"have only the usual safeguards
"and protection. However, we hope
"that the above will meet with your
"approval and we know that our clients
"can count ~~much~~ upon the assistance
"of the police force in guarding
"against any break-in in the future.



The first of these is the fact that the
 government has been unable to raise the
 necessary funds to meet its obligations.
 This is due to a number of factors,
 including the fact that the government
 has been unable to raise the necessary
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 obligations. This is due to a number of
 factors, including the fact that the
 government has been unable to raise the
 necessary funds to meet its obligations.



1 " Please advise if this is
2 "satisfactory.

3 "Yours faithfully.

4 " Herman and Moses."

5 MR. WILSON: Did you get a reply from
6 Mr. Common on that one?

7 A. If I did, I don't have it with
8 me in my file. You told me about these letters
9 I did not have copies of in my file.

10 Q. Upon what information were you
11 making these statements that this was a bona
12 fide social club?

13 A. Upon the information given to me
14 by Mr. Gardner, Senior.

15 Q. Is that true right through 1954
16 and later years?

17 A. I had also received information
18 from Mr. Finnegan, Leo Finnegan, and there was
19 another man whose name I don't remember, but
20 it is from them. Yes.

21 Q. Prior to July, 1957, were you
22 ever in the premises of the Roseland Club?

23 A. Yes.

24 Q. On how many occasions?

25 A. On the occasion I defended these
26 two men of the charge of obstructing, and there
27 again on one subsequent occasion when there
28 was a fire marshal's inquiry with reference to
29 these premises.
30

[illegible]

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1 Q. Possibly we will come to that
2 letter. At any time prior to July, 1957,
3 had anything come to your attention that would
4 indicate to you that the reports made to Gardner
5 and Finnegan were inaccurate and misleading?

6 A. Nothing at all, sir.

7 Q. The next letter, which will be "c".
8 will be a letter dated September 13th, 1954
9 from yourself to Commissioner McNeill:

10 "September 13th, 1954.

11 "R.Y. McNeill, Esq.,

12 "Commissioner of Police for Ontario,

13 "13 Queens Park Crescent,

14 "Toronto, Ontario.

15 "Dear Sir: The writer tried to reach
16 "you by telephone on Friday last,

17 "the 10th instant, and left our number

18 "for you to call. However, we did

19 "not hear from you, and assume that

20 "you were unable to call back.

21 " We act for the Middle Road unit

22 "of the Army, Navy and Air Force

23 "Veterans of Canada.

24 " We are instructed that at about

25 "2:30 in the morning of the 10th instant

26 "three of your officers raided the

27 "premises of the unit on the

28 "Middle Road in Cooksville and

29 "behaved in a manner which we know
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B/2



1. History of the city of New York

2. The city of New York in 1624

3. The city of New York in 1625

4. The city of New York in 1626

5. The city of New York in 1627

6. The city of New York in 1628

7. The city of New York in 1629

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23. The city of New York in 1645

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25. The city of New York in 1647

26. The city of New York in 1648

27. The city of New York in 1649

28. The city of New York in 1650

29. The city of New York in 1651

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1 "would not be countenanced by your
2 "office.

3 "Our instructions are that your
4 "Staff Inspector, Gordon Tomlinson,
5 "deliberately caused considerable
6 "damage to the entrance to the premises
7 "even though the steward
8 "came to the door and told Inspector
9 "Tomlinson that the door would be
10 "opened. Mr. Tomlinson then shouted
11 "not to bother opening the door,
12 "because he would break it down.

13 "Considerable damage was caused to the
14 "entrance far beyond what was
15 "warranted even if, and this is not
16 "admitted, it was necessary to use
17 "force in effecting entrance. Most
18 "of the damage was deliberate and
19 "unnecessary.

20 "In addition, we are instructed
21 "that Mr. Tomlinson deliberately
22 "kicked out the crutches from beneath
23 "Thomas McKay, a Korean veteran who
24 "had sustained the amputation of one
25 "leg, and that it was only by good
26 "fortune that Mr. McKay was not
27 "injured. This was done without
28 "any provocation whatsoever on the
29 "part of Mr. McKay and is completely
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1 "inexcusable.

2 " We note, too, that in addition
3 "to the above, your Mr. Tomlinson has
4 "been defaming our clients to
5 "newspaper reporters, to civic officials,
6 "and to national officers of the Army,
7 "Navy and Air Force Veterans of Canada.
8 "Our instructions are that there is no
9 "basis whatsoever for the statements
10 "made.

11 " You will readily appreciate that
12 "the physical damage, as well as the
13 "defamation are entirely unjustified
14 "in the absence of any conviction of
15 "or charge against ~~xxxx~~ the clients.
16 "If there is the slightest recurrence
17 "of this type of conduct, there will
18 "be no alternative but to have our
19 "clients take such action in the courts
20 "as they may be advised.

21 " We regret indeed that we must
22 "write to you personally in this vein
23 "because we have the utmost admiration
24 "for the manner in which you have
25 "administered the work of your
26 "department. You will appreciate,
27 "however, that no alternative remains
28 "to our clients.

29 " Y Your truly,

30 " Herman and Moses."



"In addition,

"We note, too, that in addition

"to the above, your Mr. Tomlinson has

"been detaching our clients to

"newspaper reporters, to civic officials,

"and to national officers of the Army,

"Navy and Air Force Veterans of Canada.

"Our instructions are that there is no

"basis whatsoever for the statements

"made.

"You will readily appreciate that

"the physical damage, as well as the

"defamation are entirely unjustified

"in the absence of any conviction or

"or charge against your clients.

"If there is the slightest recurrence

"of this type of conduct, there will

"be no alternative but to have our

"clients take such action in the courts

"as they may be advised.

"We regret indeed that we must

"write to you personally in this vein

"because we have the utmost admiration

"for the manner in which you have

"administered the work of your

"Department, and all the while

"however, that no alternative remains

"to our clients.

"Yours truly,

"Herman and Moses."



1
2 MR WILSON: Q. Now, on whose
3 instructions did you write that letter?

4 A. I had Mr. McDermott, Mr. Feeley
5 and Mr. McKay in to see me, the persons referred
6 to in the letter, and Robert McLaughlin was
7 in, I believe at that time with some of these
8 complaints. Whether this one - - -

9 Q. Was that the Robert McLaughlin
10 we have heard of that had something to do
11 with Jordan Club?

12 A. Yes.

13 Q. You say McKay and McLaughlin
14 were the ones that gave instructions with
15 regard to the letter?

16 A. No, with Mr. McDermott and Mr.
17 Feeley.

18 Q. How long were you with them
19 that gave these instructions?

20 A. I believe McLaughlin was in on
21 this occasion. Whether this particular letter
22 was instructed by Mr. McLaughlin as well, I
23 cannot tell you.

24 Q. Did you open a file on the
25 Centre Road at this time?

26 A. Yes, I called it the Middle Road.

27 Q. What date?

28 A. I am sorry, the file I have on
29 Middle Road, which is headed Middle Road,
30 Ontario Provincial Police, is February 2nd, 1955,



UNITED STATES DEPARTMENT OF AGRICULTURE

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1 and another February 4th, 1955.

2 Q. The letter I have just read you
3 is September 13th, 1954?

4 A. No, I don't appear to have a
5 Middle Road file prior to that. So that it
6 must have been part of the Roseland unit file.

7 Q. Was the Thomas McKay you speak
8 of the man who subsequently became steward
9 of the Centre Road Club?

10 A. I think he was steward at this
11 time, if my memory serves me right.

12 Q. Who were you billing for this?
13 Was it the Centre Road, after you opened your
14 file?

15 A. Mr. McDermott paid me on one
16 occasion. Mr. McLaughlin paid me on another
17 occasion.

18 THE COMMISSIONER: Who did you bill?

19 A. I did not render a bill.

20 MR. MACKINNON: What was the answer?
21 I am sorry?

22 A. I did not render a bill.

23 THE COMMISSIONER: But, without
24 rendering a bill, you say McDermott paid you
25 on one occasion?

26 A. McLaughlin paid me on another.

27 THE COMMISSIONER: Anybody else?

28 A. Not at this time. Subsequently
29 I received fees from others.
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1 THE COMMISSIONER: What is the
2 significance of the name William Murphy in the
3 left hand corner?

4 A. That was a change in our
5 letterhead. He was a junior in the office,
6 and, apparently, he replaced somebody.

7 THE COMMISSIONER: I understand. Thank
8 you.

9 A. That has nothing to do with the
10 contents of the letter.

11 MR. WILSON: Q. Is this man McKay
12 mentioned in this letter of the 13th of September,
13 who
14 was he the same Thomas McKay you had something
15 to do with the Roseland Club earlier?

16 A. I don't - - -

17 Q. You don't know?

18 A. No.

19 Q. The next letter, September 24 15th,
20 1954, there is a letter from yourself to
21 Mr. C. P. Hope of the Attorney General's
22 Department regarding the Roseland unit:

23 "September 15th, 1954.

24 "C.P. Hope, Esq., Q.C.

25 "Attorney General's Department,

26 "Parliament Buildings

27 "Toronto 2, Ontario.

28 "Dear Mr. Hope:

29 " Re Roseland unit, Army, Navy
30 "and Air Force Veterans of Canada.

[illegible]



1 We are pleased to advise you that
2 "we are instructed that the screens
3 "have been removed from five of the
4 "windows of the club house of this
5 "unit including the windows which
6 "face on the verandah. Some of the
7 "screens have been left on a few windows
8 "where our clients were of the opinion
9 "in that they would be required for
10 "protection from prowlers.

11 " We are further advised that
12 "P.C.Denver of the Essex Detachment
13 "of the Ontario Provincial Police
14 "has inspected the premises since
15 the removal of these screens.

16 " We trust this is agreeable to
17 "your Department. If there is any
18 "further changes that you feel should
19 "be made, we know that our clients
20 "will be pleased to cooperate with you
21 "in that regard. We shall, of
22 course, be pleased to arrange for
23 "any further inspection of the premises
24 "or for any visit which the police
25 "wish to make on the premises.

26 " Herman and Nease."

27 MR. WILSON: That is "h", and on
28 September 23rd, you got an answer from Mr.
29 C.R.Nagone, the Deputy Attorney General.
30

[illegible]



L.Herman

6570

September 23rd, 1954.

"Louis Herman, Esq., Q.C.

"Messrs. Herman and Moses

"100 Adelaide Street West, Toronto 1.

"Dear Sir:

"The Commissioner of Police has
"handed me your letter of September
"the 15th in connection with a raid
"by the Provincial Police on the
"Middle Road Unit of the Army, Navy
"and Air Force Veterans.

"Our information is that no
"unnecessary damage was done in
"carrying out this raid. One of the
"three police 'look-outs' announced
"the arrival of the Provincial Police
"by blowing the horn of an automobile,
"and a second one attempted to reach
"an electric push button on the outside
"of the front portion of the alcove.
"The reason for the damage to the door
"was that the Provincial Police were
"delayed from entering the building
"by the presence of a three-quarter inch
"bolt on the inside of the door. I am
"further advised that Inspector
"Tomlinson did not deliberately kick
"out the crutches from beneath anyone.
"The fact is that as Inspector Tomlinson

[illegible]



1 "entered the building and attempted
2 "to go upstairs, McKay thrust out the
3 "crutch in an attempt to g trip him.
4 " C.R. Hagene."

5 MR. WILSON: Q. Now, that would
6 be "i", and the next letter that I have is
7 November 18th, 1954, which will be a "j",
8 and it is a further letter by yourself to
9 the Attorney General's Department to the
10 attention of W.B. Common, Q.C.

11 "Department of Attorney General

12 "Parliament Buildings

13 "Toronto 2, Ontario.

14 "Dear Sirs: Attention W.B. Common, Esq. Q.C.

15 " We have been advised by Middle
16 Road Unit of the Army, Navy and Air
17 Force Veterans in Canada that the
18 "Provincial Police this morning
19 "conducted a raid on their premises
20 "in which considerable damage was done
21 "which was unnecessary and to no
22 "useful purpose. We have communicated
23 "with your Department on previous
24 "occasions in regard to this
25 "completely unwarranted conduct.

26 " No charge has been laid on
27 "any occasion, nor was there the
28 "slightest evidence of our client
29 "doing anything which they had not a
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1 "perfectly legal right to do.

2 " We had hoped, that, in view of

3 "our previous correspondence and

4 "discussions in this regard, that

5 "there would not be a recurrence

6 "of this conduct. On previous

7 "occasions, on behalf of our clients,

8 "we expressed our willingness to

9 "cooperate with your Department in

10 "any way possible, particularly by

11 "making these premises available to

12 "the police and arranging for their

13 "entrance at any reasonable time.

14 " We must emphatically protest

15 "against this type of persecution

16 "of an organization that is carrying

17 "on in a perfectly proper and legal

18 "manner and that not only has never

19 "been convicted, but has not ever

20 "had any charge made against it.

21 " Herman and Moses."

22 MR. WILSON: Q. Now, dealing with

23 that letter you mentioned that previous

24 correspondence and discussions you had with

25 Mr. Cawson and you go on to say that you had

26 hoped, in view of that correspondence and

27 meetings or discussions, there would be no

28 recurrence of this conduct?

29 A. Yes.



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The first of these is the fact that the
 Government has not yet decided whether
 it will accept the offer of the
 United States to purchase the
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 fact that the Government has not yet
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 offer of the United States to purchase
 the Hawaiian Islands.

The following information was obtained from the records of the
 Bureau of the Census, Department of Commerce, Washington, D. C.
 and is being furnished to you for your information.
 The information was obtained from the records of the Bureau of the
 Census, Department of Commerce, Washington, D. C.
 and is being furnished to you for your information.



1 Q. Had you some personal discussion
2 with Mr. Common in the interval?

3 A. Yes, and Mr. Hope and Mr. Magone.

4 Q. What was the nature of the
5 discussions you had at that time?

6 A. I took the position that if
7 these people were doing anything illegal or
8 improper there should be a charge laid against
9 them. They had never been convicted and,
10 in the absence of conviction on a charge,
11 the police had no right to take on themselves
12 to decide when they were going to harass
13 someone and do these things. I insisted to
14 my clients there must be full cooperation with
15 the police. Otherwise I would not have
16 anything to do with it, and they assured me
17 that cooperation would be given.

18 Q. Did you on behalf of the Roseland
19 and or Centre Road Club take any civil action
20 to restrain the police at this time or anything
21 later date?

22 A. None whatsoever.

23 Q. So that the extent of your
24 representations on behalf of these various clubs
25 was by writing letters to the Ontario Provincial
26 Police, the Attorney General's Department, and
27 by having discussions with your personnel in
28 the Attorney General's Department?

29 A. That is correct, sir.
30



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[illegible]

1. *Chlorophyll a* (Chl *a*)

[illegible]



1 Q. Then, on December the 3rd, a
2 letter which will be "k", to the Attorney
3 General to the attention of W.B.Common, Q.C.

4 "December 3rd. 1954.

5 "Honourable Dana Porter,

6 "Attorney General of Ontario,

7 "Parliament Buildings,

8 "Toronto, Ontario.

9 "Dear Sir: Attention W.B.Common, Esq., Q.C.

10 " This letter is written on

11 "behalf of the Middle Road unit, Army,

12 "Navy and Air Force Veterans of Canada,

13 "for whom we act.

14 " For some months now, we have

15 " been in correspondence with Commissioner

16 "E.Y.McNeill, and subsequently with

17 "Messrs. Common, Hagons and Hope

18 "with regard to what we believe have

19 "been totally unwarranted action

20 "on the part of the Provincial Police

21 "in raiding the premises of our

22 "clients, causing considerable

23 "unnecessary damage and in acting

24 "in a most high handed manner.

25 "The situation was climaxed in the

26 "early morning of November 24th when

27 "forty men were taken into custody

28 "by the Provincial Police purporting

29 "to act under Section 642 of the
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1 "Criminal Code and held for seven
2 "hours without any charges being laid
3 "against them. Of these forty men
4 "seven were questioned and the
5 "remaining thirty-three neither charged
6 "nor questioned.

7 " In addition to this, we are
8 "instructed that Inspector Tomlinson
9 "has been defaming our clients to
10 "newspaper reporters, civic officials,
11 "Provincial and Dominion Government
12 "offices and to national officers of
13 "our clients' organization.
14 "After this last raid, Mr. Tomlinson
15 "told a reporter of the Evening
16 "Telegram that he would see to it
17 "that more raids were made on these
18 "premises and that he would see to it
19 "that he would embarrass the organization
20 "to such an extent that they would
21 "have to close up.

22 " It is significant that no charge
23 "has been laid at any time with
24 "respect to the many raids which were
25 "made over the past months. Our
26 "clients carry on in a perfectly
27 "legal manner the operations of their
28 "organization. If the Provincial
29 "Police or your department in any
30

[illegible]



L.Herman

6576

1 "complaint about the organization,
2 "its members or its manner of operation,
3 "a charge should be laid and a
4 "conviction sustained. The records
5 "of the organization will be made
6 "available to your department and
7 "open to your inspection at any time.
8 " We need hardly point out
9 "the completely non-justification
10 "of the past actions of the Provincial
11 "Police has resulted in serious
12 "defamation of the organization without
13 "legal ~~sharpen~~ justification, as
14 "well as considerable property damage.
15 "We hesitate to apply to the Supreme
16 "Court for an injunction restraining
17 "a recurrence of these actions and
18 "prefer to cooperate with your
19 "department in proper and justifiable
20 "police work. We regret, however,
21 "that unless this totally unwarranted
22 "conduct ceases there would be no
23 "alternative but so to do.
24 " Please let us hear from you
25 "with regard to the above and be
26 "assured of every cooperation on the
27 "part of our clients as well as
28 "ourselves.
29 " Herman and Moses."

[illegible]



L.Herman

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MR. WILSON: Q. Have you any note of any reply to that letter or any recollection of any discussion following that letter?

A. I recall some discussions.

Q. What were those?

A. As I remember it Mr. Clare Hope telephoned me and he discussed it. I discussed the matter with him. I told him what the complaints were. I spent considerable time with him on one occasion. I remember going over all these letters and the information that had been given me, and he told me he would look into the matter.

Q. That raid mentioned in the last letter resulted in the examination of certain witnesses and it was on November 24th, 1934. Did you instruct your brother, Carl Herman, to attend at Brompton at the time of the examination?

A. No, I was not retained with reference to that matter.

Q. Did you have anything to do with his attendance at that time?

A. Nothing at all.

Q. Was he associated with your firm at that time?

A. No, he had not been for some years.



Page 1

Q. Now, what time did you get up that day?

A. I got up at about 7:30 or 8:00.

Q. Did you go to work that day?

A. Yes.

Q. I recall you were there.

A. Yes, I was.

Q. Now, I remember at that time.

A. I hope to inform you and the jury that.

discovered the matter with him. I said this.

was the situation then. I don't remember.

time with him on the occasion. I remember.

going over all these facts and the situation.

that had been given me, and he said to me.

which took into the matter.

Q. That was the time when you saw him?

A. Yes, that was the time when I saw him.

discovery and it was on November 22nd, 1963.

the fact that he was there, that's all.

to stand at the time of the

discovery.

Q. Now, I was not present when

testimony is given.

Q. Did you have anything to do with

the situation at that time?

A. I was not there.

Q. Now, I remember that you saw

at that time?

A. No, I did not see him.

Q. That's all.



1 Q Here again you make a lot of
2 allegations. Upon what information do you
3 make them, as set out in your letter of December
4 3rd?

5 A On the instructions given by my
6 clients.

7 Q Who were your clients at that
8 time?

9 A At various times, the four men
10 I mentioned were coming in during these months.
11 Mr McDermott, Feeley, Mr Thomas McKay.

12 Q Did you speak to anyone in the
13 Attorney-General's Department about this raid
14 on the Centre Road Club on November 24th, 1954?

15 A No, the first contact I had
16 with anyone in the Attorney-General's Department
17 with reference to that was contained in my letter
18 of the 3rd.

19 -----EXHIBIT NO. 178(d): Letter, dated Jul. 29, 1954,
20 to Attorney-General from
Herman & Moses

21 -----EXHIBIT NO. 178(e): Letter, dated Jul. 29, 1954,
22 to Herman & Moses from Mr.
W.B. Common, Q.C.

23 -----EXHIBIT NO. 178(f): Letter, dated Aug. 4, 1954,
24 to Mr. W.B. Common, Q.C.
from Herman & Moses

25 -----EXHIBIT NO. 178(g): Letter, dated Sept. 13, 1954,
26 to Commissioner McNeill from
Herman & Moses

27 -----EXHIBIT NO. 178(h): Letter, dated Sept. 15, 1954,
28 to C.F. Hope, Attorney-General
Dept. from Herman & Moses

29 -----EXHIBIT NO. 178(i): Letter, dated Sept. 23, 1954,
30 to Herman & Moses from C.B.
Hagons, Deputy Attorney-General



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~~EXHIBIT NO. 178(i)~~: Letter, dated Nov. 18, 1954, to Attorney-General's Dept., attention W.B. Common, Q.C. from Herman & Moses

~~EXHIBIT NO. 178(k)~~: Letter, dated Dec. 3, 1954, to Attorney-General's Dept. attention W.B. Common, Q.C. from Herman & Moses

(Page 6583 follows)



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C/1/WH

1 Q. Now, were you called by any
2 of these four men you mentioned at the time the
3 raid was made?

4 A. No, I didn't know about it
5 until some days after it had occurred.

6 Q. That brings us to the end of
7 1954. How much money had you received from
8 these four gentlemen for your services in
9 connection with the Centre Road in 1954?

10 A. Well, I had received - - the
11 place in my ledger under Army, Navy and Air
12 Force. I had received about three hundred
13 dollars.

14 Q. That is for services in
15 connection with both the Middle Road and the
16 Roseland unit?

17 A. That is correct.

18 Q. And did that include the
19 defence of Gardner and Finnegan on the
20 obstruction charge?

21 A. No, I received either a hundred
22 and fifty or two hundred dollars for that,
23 plus the travelling expenses.

24 Q. Now we come to 1955.

25 THE COMMISSIONER: Just a moment.

26 Q. Who paid the two hundred dollars
27 for the defence of Gardner?

28 A. His father.

29 Q. His father?
30



10/10/10

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Q. Now, you say that the first time you saw the defendant was on the 10th of October, 1934, at the home of the defendant's mother, is that correct?

A. Yes, that is correct. I saw him there on the 10th of October, 1934, at the home of the defendant's mother.

Q. Now, you say that you saw him there on the 10th of October, 1934, at the home of the defendant's mother, is that correct?

A. Yes, that is correct. I saw him there on the 10th of October, 1934, at the home of the defendant's mother.

Q. Now, you say that you saw him there on the 10th of October, 1934, at the home of the defendant's mother, is that correct?

A. Yes, that is correct. I saw him there on the 10th of October, 1934, at the home of the defendant's mother.

Q. Now, you say that you saw him there on the 10th of October, 1934, at the home of the defendant's mother, is that correct?

A. Yes, that is correct. I saw him there on the 10th of October, 1934, at the home of the defendant's mother.



1 A. That was in Windsor, yes sir.
2 whether I got anything from Mr. Finnegan or
3 included that, I don't think so. My best
4 recollection is Mr. Gardner, senior.

5 MR. WILSON: Q. Before we leave that,
6 and
7 the Roseland, the Middle Road units are lumped
8 together as one?

9 A. That's right.

10 Q. And the monies, as I understand
11 it, was paid in cash by McDermott, Feeley or
12 McKay or McLaughlin and brought into your office
13 from time to time?

14 A. That is correct.

15 Q. They paid for your services both
16 for the Roseland and the Middle Road?

17 A. I believe so.

18 Q. Now, coming then to 1955, the
19 first letter is February 17th, 1955, and
20 it will be Exhibit "1".

21 ---Exhibit No. 173 (1): Letter dated February 17,
22 1955, from L.Herman
23 to W.B.Common, Q.C.

24 MR. WILSON: This is a letter from
25 yourself to the Attorney General, attention of
26 Mr. W.B.Common, Q.C.:

27 "Dear Sir:

28 We are solicitors for the Middle
29 "Road unit of Army, Navy and Air Force
30 "Veterans in Saskatchewan Canada.





1 " On behalf of our clients we
2 "wish to protest the outrageous actions
3 "of the Provincial Police towards our
4 "clients. Not only have the police
5 "raided the premises of our clients
6 "on seven different occasions but they
7 "have slandered our clients on a
8 "number of occasions, have encouraged
9 "Toronto newspapers to print stories
10 "about our clients and have even
11 "slandered the writer."

12 Q. That is the first we have heard
13 of slandering. Where does that appear?

14 A. That appears on the next page.

15 Q. I see.

16 "Action would have been brought some
17 "time ago for damages and for an
18 "injunction but our clients as well
19 "as ourselves realize that such action
20 "would only serve to repeating the
21 "'libel' and giving to our clients
22 "additional publicity which they do
23 "not want.

24 " That our clients have sustained
25 serious damage there can be no doubt
26 "as they have been placed in serious
27 "jeopardy of losing their charter
28 "and actually have had it suspended at
29 "one time and that the public press
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1 "has libelled them on any number of
2 "occasions. In addition, the writer
3 "would have a personal cause of
4 "action against the police because of
5 "the statement made with regard to
6 "him.

7 " Not only has there never been any
8 "conviction against our clients but
9 "there has not even been a charge made.

10 " An outline of the conduct of
11 "the Ontario Provincial Police is as
12 "follows:

13 " The first raid occurred on
14 "September 1st, 1954, at 2:00 a.m.
15 "Five members of the Provincial
16 "Police broke the doors of our clients'
17 "premises with the use of sledge hammers,
18 "struck one man and knocked him to the
19 "ground and subjected the members of the
20 "club to a personal search.

21 " The second raid occurred on the
22 "10th day of September, 1954, under
23 "Inspector Tomlinson. Once again
24 "damage was caused to the premises
25 "and in addition, Inspector Tomlinson
26 "deliberately knocked out the crutches
27 "beneath Thomas McKay, a Korean
28 "veteran and amputee. It was only by
29 "good fortune that McKay was not
30



1	THE FIRST PART OF THE HISTORY OF THE
2	REIGN OF KING CHARLES THE FIRST
3	IN WHICH ARE CONTAINED THE
4	CAUSES AND OCCASIONS OF THE
5	WARRE BETWEEN HIM AND HIS
6	PARLIAMENTS
7	AND ALSO THE
8	REASONES WHY HE WAS
9	EXECUTED
10	IN THE YEAR 1649
11	BY THE COMMONS OF GREAT BRITAIN
12	IN PARLIAMENT ASSEMBLED
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14	REASONES WHY HE WAS
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26	REASONES WHY HE WAS
27	EXECUTED
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29	BY THE COMMONS OF GREAT BRITAIN
30	IN PARLIAMENT ASSEMBLED



1 "injured. We wrote to Mr. McNeill,
2 "The Commissioner on September 13th,
3 "complaining about the actions on
4 "this occasion."

5 A. Excuse me. Mr. Wilson, do
6 you feel the next paragraph should not be
7 read out loud? There are newspaper men here -
8 whatever you wish.

9 THE COMMISSIONER: Go ahead and
10 read it.

11 MR. WILSON: All right.

12 THE WITNESS: All right.

13 MR. WILSON: "We did not write to
14 "Mr. McNeill about the additional
15 "complaint of that occasion because
16 "we have only now learned that
17 "Inspector Tomlinson referred to the
18 "writer as 'another one of these
19 "down shyster lawyers'. In this
20 "regard there is a very definite
21 "apology coming to the writer.

22 " A third raid occurred on or
23 "about November 4th, when once again
24 "the premises were damaged and in
25 "addition malicious damage was caused
26 "to an Air Force Plaque. The
27 "Police examined the books of the
28 "Club on the premises, made memoranda
29 "of the names of all the members of the
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1 "Club, took their names and searched the
2 "members individually.

3 " A fourth raid took place on November
4 "18th, and once again we complained to
5 "your Department by letter with regard to
6 "this action.

7 " A fifth raid took place on November
8 "24th, and the happenings on that occasion
9 "were set out in our letter to your
10 "Department on December 3rd. It was
11 "on that occasion that some forty men
12 "were taken into custody, seven of them
13 "questioned before a Magistrate, apparently
14 "under Section 642 of the Code and
15 "thirty-four men held for hours without
16 "being neither charged nor questioned.

17 " A sixth raid took place on December
18 "24th, when your men knocked and were
19 "admitted, following which they told
20 "all members present that they were under
21 "arrest and would have to subject themselves
22 "to search.

23 " A seventh raid took place on
24 "February 5th, and once again your men
25 "were freely admitted, they searched the
26 "premises, took the names and addresses
27 "of everyone present and for the first
28 "time did not search the individual
29 "people present.
30



1	the President of the United States
2	and the Vice President
3	and the members of the Supreme Court
4	and the members of the Executive Branch
5	and the members of the Legislative Branch
6	and the members of the Judicial Branch
7	and the members of the Federal Reserve Board
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1 In addition to the above, we
2 "are instructed that your Inspector
3 "Tomlinson visited the Dominion Company's
4 "branch at Ottawa and attempted to
5 "persuade them to cancel the charter
6 "of our clients, and also attempted this
7 "at the office of the National
8 "Headquarters of Army, Navy and Air
9 "Force Veterans in Canada, and at the
10 "Toronto office of that organization.
11 "In addition Inspector Tomlinson advised
12 "a reporter of the Evening Telegram
13 "known to the writer to the effect
14 "that the Inspector would see to it
15 "that were raids were made on these
16 "premises and that he would embarrass
17 "the organization to such an extent
18 "by means of these raids and by means
19 "of publicity that our clients would
20 "be compelled to close up.

21 " May we repeat what we stated in
22 "our letter to you of December 3rd, 1954,
23 "that no charge has at any time been
24 "laid arising from these raids and that
25 "our clients carry on a perfectly legal
26 "manner the operations of their
27 "organization. If there is any
28 "complaint, a charge should be laid
29 "and a conviction obtained.
30





L. Herman

6590

1 " We know that you will readily
2 "see that an action in the courts
3 "brought against the Provincial Police
4 "could cause considerable harm to
5 "our clients with result of the
6 "publicity. Already, as a result of
7 "the publicity, the National Command
8 "of the organization did at one time
9 "suspend the Club solely on this
10 "ground but subsequently lifted the
11 "suspension because there was no
12 "evidence that there were any illegal
13 "activities carried on in the premises.
14 " We are not concerned with such
15 "disciplinary measures which you may
16 "take in your Department although we
17 "certainly feel that such steps should
18 "be taken. We are concerned however
19 "with the cessation of these methods
20 "which have no place in this Province
21 "or in the police work in this Province.
22 "We have every confidence that by
23 "calling this to your attention you
24 "will see to it that these actions
25 "cease and that your men no longer
26 "carry on in this reprehensible and
27 "inexcusable manner."
28 MR. WILSON: Q. Before the next
29 letter, June 20th, I would like you to produce --
30





1 just to get the chronological order, Mr.
2 Commissioner -- there was a cancellation of
3 these charters and appearing in the office of
4 this witness that took place in March of 1955.
5 If you would produce a letter of November 4th,
6 1954, and possibly we should make it a separate
7 exhibit. This has to do with the charters?

8 A. That's right, sir.

9 Q. It is a letter dated November 4th,
10 1954, from whom?

11 A. From the Dominion Headquarters
12 of the Army, Navy and Air Force Veterans in
13 Canada addressed to me, personally.

14 Q. And would you read the letter,
15 please?

16 A. "Dear Sir:

17 "Your letter appealing on behalf of

18 "Middle Road and Roseland Units,

19 "numbers 326 and 372 has been received.

20 "The directors are meeting in

21 "Vancouver on the 16th of January.

22 "The matter has been referred to them.

23 "In the meantime the suspension is

24 "held up until the matter has been

25 "considered by the Board at which time

26 "you will be communicated with further."

27 Now, the signature is illegible, but I knew it
28 to be the signature of Mr. Hobins, the secretary
29 and Mr. Wiggins, the president.
30

[illegible]



L.Herman

6592

MR. WILSON: That will be Exhibit 179.

---EXHIBIT NO. 179: Letter dated November 4th, 1954, addressed to L.Herman, Q.C., from Army, Navy and Air Force Veterans in Canada.

MR. WILSON: Do I take it from this letter of November 4th, that there had been a suspension of the two charters, units 326 and 3727

A: That's right, sir.

Q: And that you --

THE COMMISSIONER: Q. Both clubs, then?

A: Both, yes.

MR. WILSON: Q. And you entered an appeal on behalf of those two units asking for a hearing?

A. Well, if that is the correct term "entered an appeal", I advised them I was asking for a hearing; not court procedure.

Q. And that was addressed to the Dominion Command or the Ontario Command?

A. The Dominion Command.

Q. And as a result of that appeal what steps were taken by the Association to deal with the matter?

A. They set up a committee of three people headed by Mr. Hugh J. McGivern of Vancouver and they held hearings in my office and heard witnesses.



THESE ARE THE RESULTS OF THE RESEARCH

.....

THE UNIVERSITY OF CHICAGO PRESS



1 Q. Held hearing in Toronto on
2 what date?

3 A. According to my records, March
4 11th, 1955.

5 Q. Now, tell me; what was the
6 evidence adduced on that occasion to show that
7 were
8 these bona fide social clubs?

9 A. There was a number of men
10 called. Mr. Gardner was present, and one
11 other man he had with him from Windsor, Mr. McKay.

12 THE COMMISSIONER: Q. Is that
13 Thomas McKay?

14 A. Yes, your lordship, and some
15 others. I don't remember who they were now.

16 MR. WILSON: Q. I take it the tenor
17 of the evidence was that this was a bona fide club?

18 A. Yes, there was some gambling
19 taking place among the members but it was a
20 legal game.

21 Q. It was not a bank game?

22 A. That's right. They were asked
23 by Mr. McGivern, who was a Crown prosecutor in
24 Vancouver.

25 Q. Those were the people who made
26 representations on behalf of Roseland --
27 who about Centre Road?

28 A. McKay was Centre Road and
29 Gardner was there with some other man from
30 Windsor whose name I don't remember, and from





1 Centre Road there was Mr McKay who I do
2 remember and two or three others. I couldn't
3 tell you who they were now.

4 Q Were they all veterans?

5 A. I assume so; I don't remember
6 now.

7 Q. Well, then, what was the outcome
8 of the inquiry held at your office on March 11th,
9 1955?

10 A. No decision was given that day;
11 but by letter of May 11th, 1955, addressed to
12 me by Mr. J.P.Nebins, the Dominion Secretary-
13 treasurer of the Army, Navy and Air Force
14 Veterans of Canada they write to me as follows:

15 "Dear Mr. Herman:

16 "Re Middle Road unit No. 326 and Roseland
17 "Unit No. 327.

18 " I have been instructed by Mr.
19 "H.J.McGivern, Chairman of the Committee
20 "appointed to investigate the problem
21 "in connection with the above-mentioned
22 "units, to advise you that he has
23 "reported nothing legally was found
24 "out of order as a result of the recent
25 "investigation which he made in Toronto."

26 PR. WILSON: That will be Exhibit 180.

27
28 ---EXHIBIT NO. 180:

Letter dated May 11th, 1955,
to Mr. L.Herman, from Mr.
J.P.Nebins, Dominion Secretary
Treasurer.





1 MR. WILSON: Q. I take it, as a result
2 of the appeal you had taken on behalf of the
3 two units they were restored to good standing?

4 A. That's right, sir.

5 Q. Now, in that connection, there
6 has been filed as an Exhibit here, 93, certain
7 clippings from the Windsor Star and in that
8 clipping there is a heading:

9 "Admits club charter illegal"

10 And there is this statement: --

11 THE COMMISSIONER: What exhibit number
12 is that?

13 MR. WILSON: 93, Mr. Commissioner.

14 THE WITNESS: What is the date of
15 that Mr. Wilson, please?

16 MR. WILSON: It is undated. It is
17 July of 1955.

18 Q. Now, I read one paragraph:

19 "The hearing was held on March the 11th.

20 "The Roseland Unit was represented

21 "by John F. Gardner. The law firm of

22 "Herman and Moses of Hamilton . . ."

23 A slight error, I take it?

24 A. Yes, by forty miles.

25 Q. . . . represented both

26 "suspended clubs. It was Louis

27 "Herman who, instead of an A.N.A.F.

28 "number, presented the Toronto group

29 "with it's charter."



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[illegible][illegible]

10/10/2010 11:00 AM



1 Now, was it a fact that you had
2 presented the charter to these two units?

3 A. Oh, no.

4 Q. Did you have anything to do with
5 the presentation of the charter to either of
6 these units?

7 A. Unless there is a reference to
8 the restoration of the charter as a result
9 of this hearing.

10 Q. When it was restored, did you
11 make any presentation of a charter or a new
12 charter?

13 A. Oh, no.

14 Q. You merely informed the club
15 of the decision of the association or the
16 two clubs?

17 A. That's correct.

18 Q. Yes.

19 A. But the information came from me
20 to them. I received a letter from Mr. Nevins
21 and I then communicated with the clubs.

22 Q. We will go back to Exhibit 178.
23 There is a letter of June 20th, 1955, which will
24 be "m", a letter from yourself to the Attorney
25 General attention Mr. C.R. Magene, Q.C.

26
27 ---EXHIBIT NO. 178 (m):

Letter dated June 20,
1955, to the Attorney
General from L.Herman,
Q.C.



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L. Herman

6597

"Dear Sir: 25th Street, 1st Floor, 1st Floor, 1st Floor

" In accordance with my telephone
"conversation with Mr. Magone, I enclose
"a photostat of a letter received by
"me dated May 11th, 1955, from Army,
"Navy and Air Force Veterans in Canada.
"You will note that the Committee of
"the Dominion Command found nothing
"legally out of order as a result of
"the investigation made into the
"conduct and affairs of the Middle
"Road and Roseland units. I might
"point out to you that Mr. McGivern
"is a member of the British Columbia
"bar of many years standing and
"that the other members of his Committee
"were of similar ability and integrity.
"The investigation, to my knowledge,
"was a fair one in which every facet
"of these units was carefully gone into.
" I regret that I must once again
"report to you and complain about the
"conduct of the Provincial Police.
"At about 11:45 Thursday night, June 16th,
"1955, about ten officers came in the
"fields surrounding the Roseland unit
"club house and jumped on one man who
"was parking the cars. The police were
"carrying sledge hammers and crowbars.



1944 1945

... ..

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of the Government and the people of the United States



1 "These were not necessary as the door
2 "to the premises was not locked and
3 "the police found no obstacle to their
4 "walking right in on the premises.
5 "They proceeded to interrogate each
6 "member on the premises, made each
7 "person empty his pockets and made a
8 "thorough search of the premises.

9 " One U.S. Veteran, a member of the
10 "club, drove up with his wife, had his
11 "keys taken away from him when he
12 "advised the police that this was his
13 "club.

14 " Two officers in the cellar of the
15 "premises threw one Leo Finnegan to the
16 "ground when he entered the cellar
17 "and injured him as well as dirtying his
18 "clothes. Leo Finnegan^{is} the son of
19 "the owner of the building. The
20 "police remained upon the premises
21 "for a considerable length of time
22 "and then left after apparently finding
23 "everything in order.

24 " I know of no justification under
25 "these circumstances for searching and
26 "interrogating the individuals who
27 "were on the premises lawfully and using
28 "the club rooms. Surely, if the police
29 "found everything in order it was not
30

[illegible][illegible]



1 "necessary to carry out these breaches
2 "of privacy by interrogation and
3 "in effect searching each person present.
4 "I submit that this is a continuation
5 "of the persecution of this unit which
6 "has taken place in the past and about
7 "which I have complained previously.
8 "In addition, although no damage was
9 "caused, the police were carrying
10 "sledge hammers and crowbars which
11 "might well have caused considerable
12 "damage.

13 " There can of course be
14 "no objection to reasonable visits
15 "by the police upon the premises upon
16 "reasonable occasion and upon reasonable
17 "intervals. I feel however that the
18 "interrogation and the search of the
19 "members and the conduct of the police
20 "was unwarranted and should not be
21 "permitted.

22 " I can know that you will give
23 "this matter your every consideration
24 "and see that appropriate steps are
25 "taken in the circumstances."

26 That is replied to by - - -

27 THE COMMISSIONER: Just a moment.

28 Q. At this hearing on March the 11th,
29 Mr. Herman, the two clubs were represented by
30



1. The first of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the activities of the Committee for the Liberation of the Americas (CLA) in the United States. The Commission is therefore unable to determine whether the CLA is a legitimate organization or a subversive one.

2. The second of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the activities of the Committee for the Liberation of the Americas (CLA) in the United States. The Commission is therefore unable to determine whether the CLA is a legitimate organization or a subversive one.

3. The third of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the activities of the Committee for the Liberation of the Americas (CLA) in the United States. The Commission is therefore unable to determine whether the CLA is a legitimate organization or a subversive one.

4. The fourth of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the activities of the Committee for the Liberation of the Americas (CLA) in the United States. The Commission is therefore unable to determine whether the CLA is a legitimate organization or a subversive one.

5. The fifth of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the activities of the Committee for the Liberation of the Americas (CLA) in the United States. The Commission is therefore unable to determine whether the CLA is a legitimate organization or a subversive one.

6. The sixth of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the activities of the Committee for the Liberation of the Americas (CLA) in the United States. The Commission is therefore unable to determine whether the CLA is a legitimate organization or a subversive one.

7. The seventh of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the activities of the Committee for the Liberation of the Americas (CLA) in the United States. The Commission is therefore unable to determine whether the CLA is a legitimate organization or a subversive one.

8. The eighth of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the activities of the Committee for the Liberation of the Americas (CLA) in the United States. The Commission is therefore unable to determine whether the CLA is a legitimate organization or a subversive one.

9. The ninth of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the activities of the Committee for the Liberation of the Americas (CLA) in the United States. The Commission is therefore unable to determine whether the CLA is a legitimate organization or a subversive one.

10. The tenth of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the activities of the Committee for the Liberation of the Americas (CLA) in the United States. The Commission is therefore unable to determine whether the CLA is a legitimate organization or a subversive one.



1 the personnel whom you have named before.

2 Were there any other witnesses who gave evidence
3 before this Committee of the Dominion Command?

4 A. My recollection, sir, is that
5 they had heard also some rumours and complaints
6 that were mentioned. There were no witnesses
7 called that I can remember.

8 Q. Well then, the Dominion Command
9 on this investigation carried on by this
10 Committee on March the 11th, 1955, only
11 heard from those who wanted the charters
12 restored or the suspension lifted?

13 A That's correct.

14 Q. They didn't bring anyone from
15 the police or anyone else?

16 A. Well, they were in touch with
17 the Ontario Provincial Police.

18 Q. How do you know that?

19 A. They told me and it is referred
20 to in a letter from Mr. McGuinn to me on
21 July 5th. I think that was the next letter
22 Mr. Wilson was going to read.

23 MR. WILSON: I was just coming to that.

24 THE COMMISSIONER: All right.

25 THE WITNESS: McGuinn
26 he had discussed the matter with the Provincial
27 Police and I don't remember he said whether
28 the Attorney General's Department as well,
29 but I do know he told us he had been up to see
30

[illegible]



1 the Provincial Police.

2 THE COMMISSIONER: All right.

3 MR. WILSON: Q. A letter dated July
4 5th, from Mr. C.R. Magone to the witness,
5 and that will be Exhibit "n".

6 ---EXHIBIT NO. 178(n):

Letter dated July 5th,
1955, addressed to L.
Herman, Q.C. from C.R. Mag
Magone.

9 "Re Roseland Unit, Army, Navy and
10 Air Force Veterans of Canada.

11 "Dear Mr. Herman:

12 " I have your letter of June 20th,
13 "I have obtained a full report from the
14 "officer in charge of the execution
15 "of the search warrant at the time
16 "in question.

17 " The information supplied to you
18 "by your clients is entirely erroneous.
19 "person
20 "No one was jumped on, no one was
21 "required to empty his pockets and
22 "Mr. Lee Finnegan was not thrown to
23 "the floor. The fact is that no force
24 "of any kind was used and it was not
25 "necessary to use any.

26 " The police would find it quite
27 "unnecessary to execute any search
28 "warrants if the Middle Road unit and
29 "the Roseland unit of the Army, Navy
30 "and Air Force Veterans of Canada



2010年10月10日 星期日 10:10:10

[Faint, illegible text]

[Faint, illegible text]

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[illegible]

THE UNIVERSITY OF CHICAGO PRESS



1 "would grant membership to the members
2 "of the Ontario Provincial Police Force
3 "who have applied, who are entitled
4 "to membership in the Army, Navy and
5 "Air Force Veterans Association and
6 "who are of good character.

7 " "When Mr. H.J. McGivern was in
8 "Toronto I spoke to him about this
9 "and he told me that any veteran of
10 "good character had a right to belong.

11 "You will note how simple is the solution."

12 And the next letter is July 8th, 1955, which will
13 be Exhibit "e", and it is from this witness
14 to Mr. Magone.

15
16 ---Exhibit 178(9): Letter dated July 8th, 1955,
17 to Mr. C.R. Magone, Q.C.
18 from Mr. L.Herman, Q.C.

19 MR. WILSON: Q. "Re Roseland unit -
20 "Army, Navy and Air Force Veterans of
21 "Canada.

22 "Thank you for your letter of July 5th,
23 "in connection with this matter.

24 " I have discussed the contents of
25 "your letter with a number of the officers
26 "of this Association. They reiterate
27 "that every person on the premises
28 "was required to empty his pockets
29 "and that Mr. Leo Finnegan was thrown
30 "to the floor and that force was used.



I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy. I have been very busy lately, but I have managed to find some time to write to you. I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy. I have been very busy lately, but I have managed to find some time to write to you.



1 "They are prepared to supply me
2 with Affidavits to this effect.

3 If you desire to have these Affidavits
4 "I shall be pleased to obtain them
5 for you.

6 " I note your suggestion that
7 "membership be granted to members
8 "of the Ontario Provincial Police Force
9 "and I have passed on this suggestion
10 "to executive members of the Royal
11 "Roseland
12 "Bureau unit. The executive
13 "committee will meet shortly,
14 "consider this suggestion and advise
15 me of their decision. So as soon
16 "as I receive this information, I
17 "will send it on to you."

18 By the way, were any of the O.P.F. ever
19 successful in being members of the Roseland
20 or Middle Road units?

21 A. I don't know, sir.

22 Q. Well, to your knowledge?

23 A. Not at this time.

24 Q. Well at any time?

25 A. Not to my knowledge.

26 Q. No?

27 A. I don't know.

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29 (Page 6603 follows)
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MR. WILSON: Q. What became of your proposal to the executive? You were going to pass this on?

A. There is the next letter, sir, of July 22nd, I believe, which covers it.

Q. The letter of July 22nd will be P, and it is a letter from the witness to the Attorney-General.

A. To Mr. Magone. Have I got the wrong letter?

Q. That is not the letter I have before me.

THE COMMISSIONER: July 22nd?

MR. WILSON: July 22nd.

THE WITNESS: I was looking at the wrong one. I am sorry. There were two letters written on the same day.

Do you wish to see this second one?

MR. WILSON: Q. No.

A. I had them in the other order. I am sorry.

Q. I will read the one to the Attorney-General first:

"Dear Sir:

" Re Army, Navy and Airforce Veterans of Canada

" We acted for the Roseland

"and Middle Road Units of Army, Navy

"and Airforce Veterans in Canada.

" On a number of occasions we have

[illegible]



1 "complained to your Department
2 "of the actions of the Provincial
3 "Police in raiding the premises
4 "of our clients without justification,
5 "in their behaviour during such
6 "raids, their endeavours to interfere
7 "with the rights of our clients and
8 "in their giving statements to
9 "newspaper reporters for which there
10 "was no justification. Considerable
11 "correspondence in this regard is
12 "on file in your Department.

13 " According to our instructions,
14 "the Provincial Police are still
15 "engaged in persecuting our clients
16 "unjustifiably and on their behalf
17 "we must ask that this conduct be
18 "stopped.

19 " On July 6th, 1955, there
20 "appeared in the Toronto Telegram
21 "an account of an interview with the
22 "police, a copy of which we enclose.
23 "There is no justification whatsoever
24 "for stating that these clubs are
25 "operated by a gambling syndicate
26 "or that gambling casinos are being
27 "operated. The reference in the
28 "newspaper article is to three
29 "centres. Our clients operate
30 "club houses in Cocksville and Roseland,



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1 "which latter municipality is
2 "a suburb of Windsor.
3 " There would be no
4 "justification for the Provincial
5 "Police giving any such statements
6 "if there were any prosecutions
7 "against these clubs. There is
8 "still less justification for such
9 "statements being made where there
10 "have been no charges, no prosecutions
11 "and obviously no convictions.

12 " In addition, during the night
13 "of July 12-13, a number of Provincial
14 "Police came to the premises of
15 "Middle Road Unit at Cookville,
16 "knocked on the door, and without
17 "waiting for the steward, who is an
18 "amputee, to answer the door, they
19 "smashed at the door causing a
20 "considerable damage to it before
21 "the steward had an opportunity of
22 "opening it. There were a number
23 "of people present in the club rooms,
24 "each of these men was searched, he
25 "was compelled to turn his pockets
26 "inside out and answer personal
27 "questions with regard to himself.

28 "In addition, when some of the members
29 "wished to leave after a few minutes,
30 "the police did not permit them to do

[illegible]



1 "so but forced them to remain on
2 "the premises for about an hour.
3 " I know that you will not
4 "condone such persecution once it
5 "is brought to your attention. I
6 "would appreciate it very much if
7 "I could arrange an appointment
8 "to see you in order to discuss this."

9 Now, first of all, the clients you
10 mentioned that were operating the Roseland and
11 Middle Road Units, they were McDermott and
12 Peeley?

13 A. They were the Army, Navy and
14 Airforce Veterans in Canada, the one in Cooksville.
15 The other one was by Gardner and Finnegan and
16 others.

17 Q. There is reference to a third
18 club here. What club is that?

19 A. I am afraid I don't remember,
20 sir. It was a reference to a newspaper
21 article. I do not have a copy of it.

22
23 **---EXHIBIT NO. 178-P:** Letter dated July 22, 1955,
24 to Attorney-General of
25 Ontario from Herman and
26 Moses.

27 **THE COMMISSIONER:** We will have a ten
28 minute recess.

29 **---Short recess.**

30 **MR. WILSON:** The other letter of July 22nd,



24. Name your 11 most common diseases

2. The following are the names of the persons who have been appointed to the various positions in the organization:

[illegible]

2017年12月15日 星期四 晴

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1 1955, which will be 'Q', is a letter from
2 the witness to Mr. Hagone, re Roseland Unit:

3 "Re: Roseland Unit, Army, Navy and
4 Airforce Veterans of Canada.

5 " Further to my letter to you

6 "of July 8 in connection with

7 "membership in this unit being

8 "granted to qualified members of

9 "the Ontario Provincial Police

10 "Force, I am pleased to advise you

11 "that the Executive Committee has

12 "met and has recommended to the

13 "membership body the admission of

14 "veteran members of the Ontario

15 "Provincial Police Force.

16 " This will come before the

17 "general membership for discussion

18 "at its next meeting and I will of

19 "course advise you of the result."

20 I take it from what you told us before
21 there never was any result?

22 A. Apparently, according to my file,
23 I met with the Attorney-General later and
24 there was some discussion. I have no further
25 record of anything having been done with
26 reference to this.

27 Q. Oh, no. The meeting with the
28 Attorney-General was something else. As far
29 as you know, there was never any approval of
30 the suggestion that members of the Force be





1 allowed to become members?

2 A. I don't remember any, Mr. Wilson.

3
4 ---EXHIBIT NO. 178-Q: Letter dated July 22, 1955,
5 to Mr. C.R. Magone, Q.C.,
6 Deputy Attorney-General,
7 from Herman and Moses.

8 MR. WILSON: Q. Now, the next letter
9 is August 16th, which will be 'R' ---

10 THE COMMISSIONER: Just a moment. I have
11 two letters of July 22nd. This last one was
12 'Q'?

13 MR. WILSON: The one before the inter-
14 mission was marked 'P', Mr. Commissioner.

15 THE COMMISSIONER: I had two copies
16 of that.

17 MR. WILSON: There were two copies in
18 mine, too. I discarded the poorer reproduction.

19 Q. Before reading the letter of
20 August 16th, it refers to a meeting you
21 apparently had with the Attorney-General.
22 Will you just tell us about that meeting on
23 July 29th?

24 THE COMMISSIONER: Just a moment. My
25 copy is rather confusing. 'Q' is a letter
26 dated July 22nd, 1955, re membership of the
27 Ontario Provincial Police in the Veterans
28 Association. Now, the next one you want to
29 refer to is dated what?

30 MR. WILSON: The next one is August
16th, 1955, which will be 'R', which is a letter



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THE COMMISSIONER OF THE GENERAL LAND OFFICE
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TO THE COMMISSIONER OF THE GENERAL LAND OFFICE
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TO THE COMMISSIONER OF THE GENERAL LAND OFFICE
LONDON



1 from this witness to the Attorney-General.

2 THE COMMISSIONER: I have it.

3 MR. WILSON: Q. (Reading):

4 "I regret very much to have to

5 "write to you once again with

6 "regard to this matter.

7 " You will remember that, when

8 "I discussed the matter with you

9 "on July 29th, you stated that you

10 "would consider the matter of my

11 "representations and that I would

12 "be advised of your decision.

13 " To my great surprise, I was

14 "advised on Friday, August 12th,

15 "that a detachment of the Provincial

16 "Police had effected a raid the

17 "previous night on the Roseland unit.

18 "On this occasion no physical damage

19 "was done as the door was opened

20 "for the police. However, the

21 "squad under Mr. Anderson did spend

22 "considerable time searching the

23 "premises and interrogating everyone

24 "present including a question with

25 "regard to the nationality of each

26 "person on the premises.

27 " As I advised you, I submit

28 "respectfully that this was entirely

29 "without justification and I am

30 "taking the liberty of calling this



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1 "to your attention so that you might
2 it

3 "have before you in coming to a

4 "decision."

5 Now, what was this meeting of July 29th
6 you had with the Attorney-General?

7 A. Well, as a result of the letter
8 of July 22nd, I believe, I was advised by the
9 Attorney-General's Department that I should see
10 the Attorney-General who was then the Honourable
11 Mr. Porter, and I saw him. I made my sub-
12 missions to him, which were principally to
13 the effect that the police should not be
14 permitted to decide on their own that they
15 were going to harrass someone and embarrass
16 someone because they felt they were doing
17 something wrong, that most clubs had card
18 rooms and gambling. That gambling was perfectly
19 legal under certain circumstances. And
20 that there never having been any evidence
21 of anything wrong, the police should not be
22 permitted to go on on occasion after occasion
23 and raid this place, pester them and harrass
24 them. That by doing that we would be
25 reducing ourselves to a police state. Certainly
26 it was my submission that the Attorney-
27 General's Department would not stand for
28 that sort of thing. Those were in substance
29 my submissions.

30 Q. Well, did he say he would take
them under advisement?



THE FOLLOWING IS A SUMMARY OF THE RESULTS OF THE ANALYSIS OF THE SPECIMENS SUBMITTED TO THE FBI LABORATORY FOR IDENTIFICATION PURPOSES.

1. The specimens were analyzed for the presence of the following substances:

2. The results of the analysis are as follows:

3. The specimens were found to contain the following substances:

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24. The results of the analysis are as follows:

25. The specimens were found to contain the following substances:

26. The results of the analysis are as follows:

27. The specimens were found to contain the following substances:

28. The results of the analysis are as follows:

29. The specimens were found to contain the following substances:



1 A. That's right.

2 Q. Well then, you were surprised
3 in your letter of August 16th that there had
4 been a raid on August 12th?

5 A. Yes, while the matter was under
6 advisement.

7
8 ---EXHIBIT NO. 178-R: Letter dated August 16, 1955,
9 to Attorney-General of
10 Ontario from Herman and
11 Moses.

12 MR. WILSON: Q. Well, following August
13 16th were there any further meetings between
14 yourself and the Attorney-General or any
15 representative of the Attorney-General?

16 A. It is my recollection that
17 shortly after that the Honourable Mr. Porter
18 was appointed Chief Justice of Ontario and
19 Mr. Roberts became Attorney-General and ---

20 MR. WILSON: When was that?

21 MR. CONNOR: August, 1955.

22 THE WITNESS: Yes, August, 1955, I
23 believe. Subsequently I discussed the matter
24 with Mr. Roberts.

25 MR. WILSON: Q. When? When for the
26 first time?

27 A. Shortly after he became Attorney-
28 General. I couldn't tell you now when it
29 was.

30 Q. Have you any entry for that?

A. I have nothing in correspondence



THE ABOVE IS A SUMMARY OF THE INFORMATION RECEIVED FROM THE SOURCE.

Phyllanthus *Sida*



1 referring to that but I remember very
2 distinctly seeing him and making the same
3 submissions generally to him that I had made
4 previously to the then Attorney-General.

5 Q. Did he give any indication
6 as to what decision he was going to make
7 about the matter at that time?

8 A. Well, I must admit that he
9 didn't go along with my representations too
10 much. He rather felt that there was nothing
11 they were going to do about it at that time.

12 Q. I don't follow you. Nothing
13 they were going to do about it?

14 A. The Attorney-General's Department,
15 yes, that he felt at that time that there was
16 justification for their raiding these places
17 where the members of the club did not co-
18 operate with the police. One of the matters
19 discussed was why they did not allow police
20 as members. That was the matter you brought
21 up, Mr. Wilson. And also the fact that
22 they were hiding under a Federal charter rather
23 than a Provincial charter, so that the
24 Provincial Government did not have the same
25 power to act on the charter as they would
26 have if it were a Provincial charter. I
27 was told the matter would be considered.
28 That was the result of it.

29 I must admit that he wasn't too friendly
30 to my submissions.

[illegible]



1 Q. Were you ever advised after
2 that meeting with Mr. Roberts that there was
3 going to be any change in attitude or policy?

4 A. No.

5 Q. Well, that ---

6 A. I should say not until 1957.

7 Q. Well, we will come to that. Now,
8 that is the last letter of complaint, I think,
9 that I have for 1955. Now, how much did
10 you charge your clients for your services in
11 1955?

12 A. I received no additional fees
13 in 1955. This matter was never finished and
14 1955 remained more or less in mid-air.

15 Q. Well, when was your next payment
16 after that?

17 A. I received some moneys after ---

18 Q. You have told us about 1954,
19 \$300?

20 A. I beg your pardon. Yes. I am
21 trying to keep the years straight. No, I
22 received no additional moneys until 1956.

23 Q. How much did you receive in
24 1956?

25 A. Well, \$50 and \$100 from time to
26 time. I received in all about \$250.

27 Q. And from the same source?

28 A. Yes, sources.

29 Q. Sources?

30 A. Yes.

[illegible]

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

● 本報記者 王曉明 採訪

卷之四



1 Q. Coming to 1956, a letter of
2 June 8th, 1956, which will be 'S' ---

3 THE COMMISSIONER: Well, I haven't got
4 that one. I have one of June 12th.

5 MR. WILSON: Well, they have missed
6 the June 8th one. We will remedy that in a
7 moment.

8 THE COMMISSIONER: I have one now.
9 Thank you.

10 MR. WILSON: Q. This is a letter of
11 June 8th, 1956, from the witness to the
12 Attorney-General, attention Mr. W.B. Common,
13 Q.C., re Roseland Unit:

14 " We regret that we must once
15 "again protest against the outrageous
16 "actions of the Provincial Police
17 "towards this unit.

18 " During the night of May 30th,
19 "1956, at about 11:15 p.m. your
20 "officers executed a warrant at
21 "the premises of this club. We
22 "cannot help conclude that this
23 "action was taken deliberately by
24 "reason of the fact that this was
25 "Memorial Day in the United States
26 "of America and that it was known
27 "that there would be many Americans
28 "veterans on the club premises.

29 " We are advised that, after
30 "a thorough search of the premises



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1 "in the course of the hour and a
2 "half during which your officers
3 "were present, failed to reveal
4 "anything whatsoever which would
5 "justify the laying of a charge.
6 "As a matter of fact a charge has
7 "not been laid.

8 " In a deliberate attempt to
9 "embarrass each person present,
10 "there being about 30 men on the
11 "premises, each one was asked his
12 "name, address, occupation and, if
13 "self-employed, the name and location
14 "of his business. It might well
15 "be that officers would be justified
16 "in asking these particulars during
17 "an isolated instance. However,
18 "raids have been made on these premises
19 "time after time. As no evidence
20 "of any illegal activity has ever
21 "been found and that no charge ever
22 "has been laid, we can only conclude
23 "that this is a deliberate attempt
24 "to embarrass everyone present, to
25 "harrase the club and to hamper it
26 "in its legitimate operations.

27 " As a result of the visits to
28 "the club, the only action on which
29 "any charge whatsoever was laid was
30 "in the summer of 1954 when two men



The first of these is the fact that the
 Government has been unable to secure
 the necessary funds to carry out its
 policy of non-interference in the
 internal affairs of the country.
 The second is the fact that the
 Government has been unable to secure
 the necessary funds to carry out its
 policy of non-interference in the
 internal affairs of the country.
 The third is the fact that the
 Government has been unable to secure
 the necessary funds to carry out its
 policy of non-interference in the
 internal affairs of the country.



1 "were charged with obstructing the
2 "police. Even this charge was
3 "dismissed after trial by a
4 "Magistrate. When your Department
5 "requested that the screens on the
6 "premises be removed, this was done.
7 "In spite of all of these
8 "things, your officers persisted in
9 "their outrageous actions towards
10 "this club for which there is not any
11 "justification whatsoever except
12 "gossip and malice. Added to this,
13 "we are advised that your officers,
14 "following the least visit to the
15 "premises, went to the Canadian
16 "Immigration Offices in Windsor to
17 "question the rights of the American
18 "veterans to enter Canada to come to
19 "this club, and on the day following,
20 "one of the members received information
21 "from the Detroit police that your
22 "officers had visited that police
23 "department to inquire with regard
24 "to the people who were on the club
25 "premises.

26 " We know of no justification or
27 "excuse for these actions. The right
28 "of these men to enter Canada is not
29 "a matter for interference by your
30 "Department. Not only do these people,



1 "as Americans, have a right to come

2 "to Canada to this club, but these

3 "visits should be encouraged.

4 " We must therefore protest

5 "emphatically against these actions

6 "on the part of the Provincial Police

7 "and feel that we are justified in

8 "requesting that they be instructed

9 "to cease this persecution, harrassing

10 "and interference."

11 I take it you were making these
12 representations on the same instructions as you
13 had before, Gardner and so on?

14 A. A continuation, yes, of course.

15 Q. And I take it from the letter
16 you wrote that you were still of the opinion,
17 based on those representations, that this was
18 a bona fide social club?

19 A. Yes.

20
21 ---EXHIBIT NO. 173-S: Letter dated June 8, 1956,
22 to Department of the
23 Attorney-General, attention
24 W.B. Common, Q.C., from
25 Herman and Moses.

26 MR. WILSON: Q. The next one is June 12th,
27 1956, from W.B. Common to the witness, which
28 is a mere acknowledgement of the letter of
29 June 8th, and that will be 2.

30 ---EXHIBIT NO. 173-T: Letter dated June 12, 1956,
to Herman and Moses from
W.B. Common, Q.C.





1 MR. WILSON: Q. The next two documents
2 that are in this group are two telegrams. I
3 do not know that I need to read them. They
4 are both addressed to -- I take it to Mr.
5 Herman -- and they are both dated -- one is
6 dated April 19th and the other April 20th.
7 One is from Lloyd J. Johnston, secretary-
8 treasurer of Unit 327.

9 THE COMMISSIONER: Oh, you better read
10 them and get them all in in chronological
11 order.

12 MR. WILSON: Well, we will start with
13 April 19th. This telegram reads:

14 "Dear Mr. Herman:

15 " At 8.30 the night of April
16 "18th a police car was stationed
17 "directly across from the Club
18 "entrance with their bright lights
19 "directed at the Club entrance.

20 "The heavy fog completely covered
21 "the district and several members
22 "narrowly averted injury. At

23 "9.50 p.m. another car containing

24 "Inspector Ramabotton, Sergeant
25 "Hatch and another officer unknown

26 "entered the Club property, parked
27 "their car with the three officers
28 "therein immediately opposite the

29 "members' entrance to the Club. I

30 "went out and asked them if I could



1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It is a very long letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

2. The second part of the document is a letter from the Secretary of the Treasury to the President, dated January 3, 1862. It is a very short letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

3. The third part of the document is a letter from the Secretary of the Treasury to the President, dated January 3, 1862. It is a very short letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

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9. The ninth part of the document is a letter from the Secretary of the Treasury to the President, dated January 3, 1862. It is a very short letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

10. The tenth part of the document is a letter from the Secretary of the Treasury to the President, dated January 3, 1862. It is a very short letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.



1 "be of any assistance to them and
2 "Sergeant Hatch said, 'Okye, Mr.
3 "Johnston, we have a warrant',
4 "which he proceeded to let me read
5 "and stated, 'We are just going to
6 "sit here'.

7 " Mr. Herman, we have appealed
8 "to you on two previous occasions
9 "during the last ^{two} weeks and we are
10 "again asking you how long is
11 "Sergeant Hatch going to be con-
12 "tinued to be allowed to run
13 "roughshod over the rights and
14 "privileges of decent citizens,
15 "veterans and American visitors
16 "to our Club premises. If I can
17 "be of any assistance to you in
18 "regards to the actions of Sergeant
19 "Hatch and his men please contact
20 "me immediately."

21 "Lloyd J. Johnston,
22 "Secretary-Treasurer,
23 "Unit 327."

24 THE COMMISSIONER: Q. Did you know
25 Mr. Johnston?

26 A. Yes, I had met him.

27 Q. Well, who was he?

28 A. He was a member and, I assume,
29 an officer of the Windsor unit.

30 MR. WILSON: That one will be 'U'.



| | |
|----|--|
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1 ---EXHIBIT NO. 178-U: Telegram dated Apr. 19, 1957,
2 from Lloyd J. Johnston,
3 Secretary-Treasurer, Rose-
4 land Unit 327, Army, Navy
5 and Airforce Veterans, to
6 Mr. L. Herman, Q.C.

7 MR. WILSON: Q. Now, we come to 'V',
8 which is a further telegram of April 20th.
9 Did I give the year in reading that last one?

10 THE COMMISSIONER: Yes, 1957. I made
11 a note of it.

12 MR. WILSON: Q. April 20th, 1957, is
13 the date of the second one. It is from John
14 Frank Gardner, charter member, Unit 327, to
15 the witness:

16 " Mr. Herman, at 11:30 Friday,
17 "the 19th, a detachment under command
18 "of Inspector Ramsbottom, Sergeant
19 "Hatch, two corporals and a constable
20 "unknown again invaded the premises
21 "of Unit 327 Roseland unit Army, Navy
22 "and Airforce, interrogated the
23 "members of the aforementioned unit
24 "and one corporal unknown addressed
25 "the members in this manner after
26 "catching hold of their arm or elbow,
27 "'Come on fellow, get up there and
28 "get your name taken'.

29 " These constant raids, interro-
30 "gations and unwarranted surveillance
"have aggravated a heart condition
"from which I am suffering and due to



From which I am submitting and the

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1 "the actions of the aforementioned
2 "corporal I was prostrated with a
3 "slight attack. In all fairness
4 "to Inspector Ramsbottom he did
5 "agree that I should be allowed to
6 "go to the hospital for treatment
7 "but I delayed my visit to the
8 "hospital until after the officers
9 "had left the premises being in a
10 "highly emotional state.

11 " Mr. Herman, these constant
12 "raids during the last two weeks
13 "have seriously affected my health.
14 "I have contacted my doctor today
15 "for a checkup and will forward the
16 "findings to you. Previous to the
17 "last two weeks I had fully recovered
18 "from a coronary but due to the
19 "unwarranted and the Gestapo tactics
20 "of Sergeant Hatch and the men under
21 "his command I am again a very ill
22 "man.

23 " We have appealed to you, Mr.
24 "Herman, myself, Mr. Johnston, and
25 "the committee, to protest these
26 "actions of the Essex groups of the
27 "Ontario Provincial Police detachment
28 "but so far have found no reason to
29 "believe that these raids, unwarranted
30 "surveillance, unfair interrogation of



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| 30 | THE HISTORY OF THE ARABIAN PEOPLE |



1 "decent and law-abiding citizens
2 "and veterans, and American visitors
3 "to our Club, will not be dis-
4 "continued. I do not think at this
5 "time that I would be upholding my
6 "duty as a charter member of the Club
7 "if I should discontinue my nightly
8 "visits thereto, but, Mr. Herman,
9 "if I should have a fatal attack
10 "the Club members and committee are
11 "fully prepared to place the
12 "responsibility for this at the door
13 "of Mr. Hatch and the local Provincial
14 "Police detachment."

15 Q. That pretty well speaks for itself,
16 I take it?

17 A. I would think so.

18
19 ---EXHIBIT NO. 178-V: Telegram dated Apr. 20, 1957,
20 from John Frank Gardner,
21 Charter member, Unit 327,
22 Roseland unit, Army, Navy
23 and Airforce, to Mr. Herman.

24 MR. WILSON: Q. The next letter is a
25 letter of April 22nd, 1957, which will be
26 'W' and which is a letter from the witness to
27 the Attorney-General:

28 "Dear Sir:

29 " We act for Roseland Unit 327
30 "of the Army, Navy and Airforce
"Veterans in Canada and we enclose
"letters and telegrams of complaints





1 "with regard to the actions of
2 "the Provincial Police in connection
3 "with this Club.

4 " We feel sure that a reading
5 "by you of these complaints will
6 "satisfy you that the Provincial Police,
7 "instead of acting as they should and
8 "doing police work, are constantly
9 "persecuting our clients and acting
10 "in a manner which belongs properly
11 "in a police state and not in the
12 "Province of Ontario.

13 " To permit a police force to
14 "constantly harrass, embarrass, hinder,
15 "interrogate and annoy the members of
16 "this Club is to permit them to sneak nets
17 "out punishment without proof of guilt.
18 "Not only is there no conviction of
19 "any nature whatsoever against this
20 "Club or against any of its members,
21 "but there has actually been no
22 "charge laid in any connection whatso-
23 "ever with the exception of one charge
24 "some two years ago on which two
25 "members of the Club were acquitted
26 "and found not guilty.

27 " We are of course aware of the
28 "fact that newspapers have printed
29 "articles alleging illegal activities
30 "in these premises but we feel sure





1 "that an intelligent reading of
2 "these articles will convince
3 "anyone that they are made up of
4 "rumour and with no basis in fact.
5 "We are also aware that this Club
6 "was mentioned in the Legislature
7 "by the Leader of the C.C.F. party
8 "but this too is only typical of
9 "many attacks by this individual
10 "who is apparently content to make
11 "attacks without verifying facts.
12 "As far as our clients can ascertain,
13 "the only basis for all of these
14 "attacks is the fact that on one
15 "occasion admission was refused
16 "to a representative of a newspaper
17 "because he was intoxicated. As a
18 "result of this he has been
19 "endeavouring to, as he put it, 'get
20 "even' with the Club.
21 " We are confident that, after
22 "reading the enclosed complaints
23 "which set out many of the facts, you
24 "will take the proper steps to see
25 "that the Provincial Police are
26 "restored to their proper functions,
27 "namely to the apprehension and
28 "investigation of crimes and not the
29 "persecution of groups of veterans
30 "who are meeting in a law-abiding way



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1 "and are totally within their

2 "rights in a free country.

3 " You will note that the Club

4 "would be glad to have Inspector

5 "Ramsbottom as a member of the Club,

6 "turn over a key to the front door

7 "to him and make the premises

8 "available to him at any time without

9 "a warrant for the interests of any

10 "police activities. We may also

11 "point out to you that this office

12 "has been meeting with the Fire Marshal

13 "in order to co-operate with him in

14 "altering the premises in every

15 "reasonable way so as to ensure

16 "the fact that they meet with all

17 "the requirements of the Fire Marshal's

18 "office. Your Department may be

19 "assured of our fullest co-operation

20 "with you in every respect.

21 " We enclose the following:

22 " (1) Copy of letter of complaint

23 "to Dominion Organizer, Army, Navy

24 "and Airforce Veterans in Canada.

25 " (2) Original letter to the

26 "writer dated April 16, 1957, from the

27 "Secretary-Treasurer of the Unit.

28 " (3) Night letter from the

29 "Secretary-Treasurer to the writer

30 "dated April 18, 1957.



(4) Night letter dated

"April 19, 1957, from the Secretary-

"Treasurer to the writer.

(5) Day letter dated

"April 20, 1957, from J.F. Gardner,

"member of Unit 327 to the writer."

We have already filed two of the telegrams. I have here the letter of April 16th that is referred to as No.2. I also have the letter to Mr. J.P. MacNamara, or a copy of it, which is referred to as No.1. I haven't copies of those two documents.

THE COMMISSIONER: Well, attach them to the original exhibit in their proper sequence.

MR. WILSON: Yes. That means I am missing one, No.3, item No.3 on the second page, which is a night letter of April 18th, 1957.

THE WITNESS: Isn't that the one you read?

THE COMMISSIONER: I think there must be an error in date there. There was a night letter of April 19th and there was a night letter of April 20th. There are only two night letters apparently referred to here.

MR. WILSON: Well, there are two night letters and one day letter, Mr. Commissioner. I think No.3 is the missing one. We will obtain that, Mr. Commissioner.



1. The first part of the book is devoted to a general survey of the history of the world from the beginning of time to the present day.

2. The second part of the book is devoted to a detailed account of the history of the world from the beginning of time to the present day.

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14. The fourteenth part of the book is devoted to a detailed account of the history of the world from the beginning of time to the present day.

15. The fifteenth part of the book is devoted to a detailed account of the history of the world from the beginning of time to the present day.

16. The sixteenth part of the book is devoted to a detailed account of the history of the world from the beginning of time to the present day.

17. The seventeenth part of the book is devoted to a detailed account of the history of the world from the beginning of time to the present day.

18. The eighteenth part of the book is devoted to a detailed account of the history of the world from the beginning of time to the present day.

19. The nineteenth part of the book is devoted to a detailed account of the history of the world from the beginning of time to the present day.

20. The twentieth part of the book is devoted to a detailed account of the history of the world from the beginning of time to the present day.

21. The twenty-first part of the book is devoted to a detailed account of the history of the world from the beginning of time to the present day.

22. The twenty-second part of the book is devoted to a detailed account of the history of the world from the beginning of time to the present day.

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26. The twenty-sixth part of the book is devoted to a detailed account of the history of the world from the beginning of time to the present day.

27. The twenty-seventh part of the book is devoted to a detailed account of the history of the world from the beginning of time to the present day.

28. The twenty-eighth part of the book is devoted to a detailed account of the history of the world from the beginning of time to the present day.

29. The twenty-ninth part of the book is devoted to a detailed account of the history of the world from the beginning of time to the present day.

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1 ---EXHIBIT NO. 178-W: Letter dated Apr. 22, 1957,
2 to Hon. A. Kelso Roberts,
3 W.C., from Herman and Moses;-
4 letter (item 1) to Mr. J.P.
5 MacNamara; letter dated
6 Apr. 15, 1957, to Mr. Herman
7 from Mr. Johnston, Secy-
8 Treas. of Unit.

9 (Page 6640 follows)



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1 MR. WILSON: The next letter, is
2 Exhibit 173(X), and it is dated July the 3rd,
3 1957.

4 MR. MACKINNON: Is Mr. Wilson going
5 to read these other letters filed as exhibits?
6 Have they been filed as Exhibits?

7 THE COMMISSIONER: The night letters
8 have, yes.

9 MR. MACKINNON: I think I have copies
10 of those, but I understand he was filing,
11 but the original letter from Mr. Macnamara,
12 dated April the 16th, 1957, which I have
13 not got, and he was filing - --

14 THE COMMISSIONER: Five. He said he
15 would get that.

16 MR. MACKINNON: And he has filed another
17 one, I am not sure what it is - - he has
18 filed two apparently in relation to the ones
19 he has been reading.

20 THE COMMISSIONER: During the noon hour,
21 tidy that up.

22 MR. WILSON: The only one missing is
23 three, and the letter sent to Mr. Macnamara --
24 it is to Macnamara. We will have copies of
25 these for you.

26 MR. MACKINNON: Can you give me the
27 number please?

28 MR. WILSON: Yes.

29 THE COMMISSIONER: Tidy that up during
30



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1 the noon hour and let us get on in the meantime.

2 MR. WILSON: The letter that I have
3 referred to as X, of July the 3rd, 1957,
4 from the witness to the Attorney General, reads
5 as follows:

6 "Re Army, Navy and Air Force Veterans
7 "in Canada.

8 " In accordance with my discussion
9 "with you and with the deputy Attorney
10 "General, I did, on June 28th, file
11 "with the Deputy Provincial Secretary
12 "applications for incorporation of
13 "the following three associations:

14 "Frontier & Veterans Association,
15 "Roseland Veterans Association, Centre
16 "Road Veterans Association.

17 " The three clubs mentioned are
18 "to replace the following three clubs
19 "respectively: Canadian Merchant
20 "Navy Veterans Association, Roseland
21 "unit 327, Army, Navy and Air Force
22 "Veterans in Canada Unit 326, Army,
23 "Navy and Air Force Veterans in Canada.

24 " I undertook to the Deputy
25 "Provincial Secretary to supply that
26 "office with a & certified copy of
27 "a resolution of the members of each
28 "of the three last mentioned associations
29 "to be passed at a general or special
30



1. The first of these is the fact that the
2. Government has been unable to secure
3. the necessary funds to carry out its
4. policy of expansion. This is due to the
5. fact that the Government has been unable
6. to secure the necessary funds to carry out
7. its policy of expansion. This is due to the
8. fact that the Government has been unable
9. to secure the necessary funds to carry out
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1 "meeting resolving, in consideration
2 "of the issuance of the new letters
3 "patent, to discontinue the use as
4 "club rooms of the premises now
5 "occupied by each of the last mentioned
6 "clubs and not, at any time in the
7 "future, to establish, maintain and
8 "conduct a club or club room for the
9 "accommodation, recreation and
10 "convenience of the members of the last
11 "mentioned clubs. This undertaking
12 "was given in order to carry out the
13 "understanding reached between us by
14 "which these three organizations
15 "are to place themselves under
16 "provincial jurisdiction and be at all
17 "times subject to proper supervision
18 "by the Department of the Provincial
19 "Secretary.

20 " I find however that the Provincial
21 "Secretary now requires that, before the
22 "new letters patent be issued, the
23 "last mentioned clubs surrender
24 "their charters. These charters were
25 "of course issued to them establishing
26 "them as branches of a corporation
27 "incorporated by act of Parliament of
28 "Canada.

29 " As I pointed out to you, the
30





1 "members of these clubs do not wish
2 "to sever their ties with the
3 "National Veterans Organization as
4 "they would in this matter be giving
5 "up the benefits which they obtain
6 "from being part of the Army, Navy
7 "and Air Force Veterans in Canada.
8 "The National Organization is part
9 "of National Association of Veterans
10 "Association in Canada which represents
11 "the veterans in all matters of pensions
12 "and veteran benefits ^{with} ~~which~~ the
13 "Department of Veterans Affairs.
14 "The Army, Navy and Air Force Veterans
15 "in Canada represents sixty thousand
16 "members across Canada and you can
17 "understand that such representation
18 "is important. In addition the
19 "Provincial Command and Dominion Command
20 "hold conventions in alternate years
21 "and the members of these organizations
22 "have been attending these conventions
23 "and participating in the discussions.
24 "
25 "There are, I am advised, at
26 "least two units in Toronto which are
27 "affiliated in a similar manner with
28 "the National Organization. The
29 "Fairbanks unit, Dufferin Street, Toronto
30 "maintains its Army, Navy and Air Force



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L. Harman

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1 "Veterans affiliation and yet operates
2 "as His Majesty's Army and Navy Veterans.
3 "The club known as Veterans of 37th Ulster
4 "Division, Gerrard Street, East, Toronto,
5 "also maintains affiliations with the
6 "National Organisation. The Imperial
7 "Veterans Association is an affiliate
8 "with the Canadian Legion and the
9 "Tubercular Veterans Association is
10 "also an affiliate of the Canadian
11 "Legion.

12 " I would respectfully submit that
13 "the veterans in these associations
14 "should not be compelled to give up
15 "their national contacts so long as
16 "they undertake not to operate club
17 "rooms. One can scarcely prohibit
18 "them from meeting and from pursuing
19 "such benefits as they may obtain
20 "as veterans. I enclose the Act of
21 "Incorporation, by-laws and the
22 "constitution of the National Association.
23 "You will note in paragraph 2(C)
24 "that the purposes and objects of the
25 "Association include that of acquiring
26 "maintaining and operating clubs.
27 "It is proposed that these units
28 "give up their right to do this.

29 " I also enclose the March, 1957
30

[illegible]



1 "of the Veterans' Advocate which is
2 "published by the National Association.
3 " You will note on page 8 that certain
4 representations were made with regard
5 "to veterans' benefits in which the
6 "National Association participated and
7 "that there are others services and
8 "contacts rendered by this Association.

9 EXHIBIT 1732 "I know that the above will receive
10 Letter dated
11 Jul. 13/57 from your every consideration."
12 Herman to A.G.

13 Now, stopping there for the moment, this is
14 the first we have heard in this correspondence
15 of any proposed application for the incorporation
16 of these clubs as by the issue of provincial
17 charters. Now, will you just tell us when
18 any negotiations in that regard started, and
19 with whom?

20 A. It would be shortly after that
21 letter of myself to the Attorney General - to the
22 Attorney General's Department, enclosing those
23 day letters, and those other items which were
24 not mentioned.

25 Q. Well then, with whom did you
26 have any discussions in regard to this matter?

27 A. With the Honourable Mr. Roberts,
28 with Mr. Common, and with Mr. Bowman.

29 Q. Will you just tell us what
30 representations - - what the representations
were, or how they developed?



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1. The first section of the report is devoted to a general
description of the project and its objectives. It is
important to note that the project was initiated in
the year 1980, and its main purpose was to study the
effect of the new technology on the production of
the final product. The results of the study are
presented in the following sections.

2. The second section of the report is devoted to a
detailed description of the project and its objectives.
It is important to note that the project was initiated
in the year 1980, and its main purpose was to study
the effect of the new technology on the production of
the final product. The results of the study are
presented in the following sections.

3. The third section of the report is devoted to a
detailed description of the project and its objectives.
It is important to note that the project was initiated
in the year 1980, and its main purpose was to study
the effect of the new technology on the production of
the final product. The results of the study are
presented in the following sections.

4. The fourth section of the report is devoted to a
detailed description of the project and its objectives.
It is important to note that the project was initiated
in the year 1980, and its main purpose was to study
the effect of the new technology on the production of
the final product. The results of the study are
presented in the following sections.

5. The fifth section of the report is devoted to a
detailed description of the project and its objectives.
It is important to note that the project was initiated
in the year 1980, and its main purpose was to study
the effect of the new technology on the production of
the final product. The results of the study are
presented in the following sections.

6. The sixth section of the report is devoted to a
detailed description of the project and its objectives.
It is important to note that the project was initiated
in the year 1980, and its main purpose was to study
the effect of the new technology on the production of
the final product. The results of the study are
presented in the following sections.

7. The seventh section of the report is devoted to a
detailed description of the project and its objectives.
It is important to note that the project was initiated
in the year 1980, and its main purpose was to study
the effect of the new technology on the production of
the final product. The results of the study are
presented in the following sections.

8. The eighth section of the report is devoted to a
detailed description of the project and its objectives.
It is important to note that the project was initiated
in the year 1980, and its main purpose was to study
the effect of the new technology on the production of
the final product. The results of the study are
presented in the following sections.

9. The ninth section of the report is devoted to a
detailed description of the project and its objectives.
It is important to note that the project was initiated
in the year 1980, and its main purpose was to study
the effect of the new technology on the production of
the final product. The results of the study are
presented in the following sections.

10. The tenth section of the report is devoted to a
detailed description of the project and its objectives.
It is important to note that the project was initiated
in the year 1980, and its main purpose was to study
the effect of the new technology on the production of
the final product. The results of the study are
presented in the following sections.



1 A. As a result of that letter I
2 was still complaining about the actions of the
3 police, and Mr. Roberts in the course of the
4 discussions was well -- obviously quite annoyed
5 that I had been complaining so often, and he
6 said that he certainly would not pay any
7 attention to my representations so long as these
8 people did not act in good faith, if they
9 were acting in good faith he felt they
10 should put themselves under Provincial jurisdiction
11 and then they would have the benefit of
12 the Federal incorporation, and if they did
13 not behave themselves the Province could
14 discipline them, or could cancel their
15 charter, and so on, and as a result of that,
16 I took it up with my clients, and at that time
17 after the discussion, I advised Mr. Roberts
18 that they were quite prepared to put themselves
19 under Provincial jurisdiction, and Mr. Roberts
20 discussed with me the fact that if they
21 obtained a Provincial charter there would be
22 sufficient limitations on their actions.
23 In other words, it would be a condition of
24 the charter that if they had any gambling
25 equipment on the premises, the charter could
26 be cancelled, and that if they barricaded
27 their doors, or in any way interrupted with
28 the access by the police, the charter could be
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1 cancelled, if they availed themselves of the
2 benefit to the Criminal Code to an incorporated
3 social club, shifting the onus, where gambling
4 equipment was on the premises, the charter
5 could be cancelled and if they had less
6 than a percentage of members, of veterans
7 as members, the charter could be cancelled,
8 and if they were content to obtain the
9 Provincial charter under these conditions,
10 he indicated that he would not be adverse
11 to granting them provincial charters, and
12 going along with them to see if they would
13 behave themselves.

14 Q. Do I understand from that,
15 that he had rejected your representation to
16 the effect that the police were unfairly
17 dealing with your clients' premises?

18 A. That is right. He said if they
19 were acting in good faith they should have
20 no objection to putting themselves under
21 Provincial jurisdiction.

22 Q And based on that discussion,
23 was there any other person present at that
24 discussion that you can recall?

25 THE COMMISSIONER: I was under the
26 impression up to the moment that the
27 discussions were between you on the one hand
28 Messrs.
29 and on the other hand Mr. Roberts, Cowen and
30 Berman?



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1 THE WITNESS: That is right.

2 THE COMMISSIONER: Q. All together?

3 A. No. I was just about to say,
4 my lord, that I was in and out of the office
5 several times. Mr. Roberts had referred
6 the matter to Mr. Common and to Mr. Bowman,
7 and the discussions - I was in and out a half
8 a dozen times - I think it would be fair to
9 say that the discussions took place with all
10 three of them, but not necessarily at the
11 same time. On one occasion they were present -
12 on one occasion at least in my discussions,
13 with the Attorney-General, they were all
14 present.

15 MR. WILSON: Q. Just to bring this up to
16 date, I think immediately prior to your
17 meeting -- can you fix the date you met with
18 the Attorney-General to discuss this matter?

19 A. Well, it would be in May and June
20 that those discussions took place.

21 Q. Well then, in May?

22 A. The first meeting of course
23 would be before I had discussed the matter
24 with my clients, and then subsequently I went
25 back after they had agreed to go under the
26 Provincial jurisdiction.

27 Q. Then in May, am I right in saying
28 that you had - or these clubs had received
29 a demand from the Deputy Provincial Secretary

30



1 requiring them to file special returns?

2 A. That is correct, sir, yes.

3 Q. Now, was that before any
4 discussion took place between yourself and
5 the Attorney-General, and the Deputy Provincial
6 Secretary in regard to the possible issue of
7 Provincial charters?

8 A. It is about the same time -
9 I could not tell you now whether it was before
10 or after. It was within the same few weeks.

11 Q. And what position had you
12 taken originally in regard to this demand for
13 special returns that was made on these clubs
14 by the Deputy Provincial Secretary?

15 A. I wrote letters to the Deputy
16 Provincial Secretary.

17 Q. What stand did you take - did
18 you first deny the right of the Provincial
19 Secretary to make such a request?

20 A. Yes, I submitted that the
21 word "return" in Section 4 of the Corporations
22 Information Act --

23 Q. I don't want you to go into all
24 that. Just sum it up.

25 A. I agreed he was entitled to some
26 of the information, and not to some of the other
27 information.

28 Q. And then you did prepare these
29 returns as requested, and file them with the
30 Provincial Secretary?

[illegible]



1 A. Yes, some returns were filed -
2 I regret I don't have copies of them. Some
3 information was given to the Provincial
4 Secretary and then the whole matter became
5 of no importance when they proceeded under
6 the new corporation.

7 Q. Mr. Commissioner, I don't know
8 if it is necessary that we file these - there
9 are three letters, one of May 23rd, May 31st
10 from this witness to the Provincial Secretary's
11 Department, and a reply by the Provincial
12 Secretary's Department on May 29th, dealing
13 with these special returns. I don't know
14 if such turns on it.

15 THE COMMISSIONER: Why not put them all
16 in together as one exhibit.

17 THE WITNESS: Those are the letters
18 to which I have referred, my lord.

19 THE COMMISSIONER: What are they?

20 MR. WILSON: Letters of May 23rd, of
21 May 29th, and of May 31st.

22 THE COMMISSIONER: From the witness?

23 MR. WILSON: The letter of May 23rd,
24 1957, is from the witness to the Provincial
25 Secretary.

26 THE WITNESS: To the Deputy Provincial
27 Secretary.

28 MR. WILSON: Yes, the letter of May
29 29th is from the Deputy Provincial Secretary
30 to the witness, and the letter of May 31st, 1957





1 is from the witness to the Deputy Provincial
2 Secretary.

3 THE COMMISSIONER: They will all be
4 filed as No. 181.

5
6 ---EXHIBIT NO. 181: Letter dated May 23, 1957
7 from Mr. Louis Herman to
8 Deputy Provincial Secretary;
9 letter dated May 29, 1957,
10 from Deputy Provincial Secty.
11 to Mr. Louis Herman; and
12 letter of May 31st, 1957 from
13 Mr. Louis Herman to the
14 Deputy Provincial Secretary.

15
16 MR. WILSON: There are copies of these
17 special returns.

18
19 THE COMMISSIONER: I thought they are
20 referred to in the letters.

21
22 MR. WILSON: Possibly that can be
23 just attached.

24
25 THE COMMISSIONER: Yes, that will form
26 part of the same exhibit.

27
28 MR. MacKINNON: They have already
29 been filed as exhibits, 57-A, B and C.

30
MR. WILSON: That is not right when
you look at the exhibit. May we have Exhibit
58. Just hand this to the witness, please.
The letters which make up Exhibit 58, is
the correspondence that passed between
yourself and the Deputy Provincial Secretary
in regard to these new charters?

A. Yes, that is correct.

Q. And then the new charters
themselves have been filed here as Exhibits 11-A,



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1 B, and C, I think it is.

2 THE COMMISSIONER: Q. Yes, that is correct.

3 MR. WILSON: I just want to be clear
4 about how this came about. Were you the
5 only representative of these two units - or
6 three units, that dealt with the Attorney-
7 General and the Deputy Provincial Secretary?

8 A. Yes, as you say, it started
9 up originally - I made representations for
10 only two - two of these units.

11 Q. Which two?

12 A. The one in Windsor, and the
13 one in Cooksville, and then subsequently
14 when the matter was discussed I was also retained
15 by a group in Fort Erie -- yes, in Fort Erie.

16 Q. When did you open ---

17 A. It may have been in Welland -
18 anyway, it is in the Niagara Peninsula.

19 Q. It is in Bertie Township?

20 A. Yes.

21 Q. And the Frontier Club - when
22 did you first represent them?

23 A. July 1st, 1957.

24 Q. That was after the actual
25 charter was issued, as I recall?

26 A. Oh yes, that was because in
27 the -- I see all these three -- I started
28 separate files in July 31st, 1957, they must
29 have been all lumped in the same files -
30 the previous files are referred to with reference



1. The first part of the document is a list of names and addresses, which are arranged in a columnar fashion. The names are written in a cursive script, and the addresses are written in a more formal, printed style. The list includes names such as "John Smith", "Mary Jones", and "Robert Brown", along with their respective addresses in various cities and states.

2. The second part of the document is a series of short, handwritten notes or entries. These notes are written in a cursive script and are arranged in a columnar fashion. They appear to be a continuation of the list or a separate set of entries.

3. The third part of the document is a series of short, handwritten notes or entries. These notes are written in a cursive script and are arranged in a columnar fashion. They appear to be a continuation of the list or a separate set of entries.

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10. The tenth part of the document is a series of short, handwritten notes or entries. These notes are written in a cursive script and are arranged in a columnar fashion. They appear to be a continuation of the list or a separate set of entries.



1 to the obstruction of the police, and so on.

2 Q. Now, I want to be clear who
3 you were representing when you made these
4 representations to the Attorney-General and
5 the Deputy Provincial Secretary in regard to
6 the ---

7 A. Originally just the two of
8 them, subsequently the Canadian -- I am sorry,
9 the Canadian Merchant Navy Veterans Association.

10 Q. Well now, the same clients,
11 McDermott and Feeley, McLaughlin and Mackay?

12 A. No, they had -- Mr. McDermott
13 and Mr. Feeley advised me that the group in
14 Bertie Township were having the same difficulty
15 and could I have this extended to them, so
16 they were quite also prepared to put them
17 under Provincial jurisdiction.

18 Q. Possibly you misunderstood my
19 question, Mr. Herman. As far as Unit 326,
20 and 327, were you still acting for McDermott
21 and Feeley?

22 A. Yes, they were representing
23 the organization.

24 Q. And they were the people who
25 were the go-between, between you and these
26 units, I take it?

27 A. Well, there was some others
28 who came in, Mr. Fleschuk and Mr. Turner
29 were in to see me in connection with this Cookville.

30 Q. But so far as the Roseland or



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to the question of the justice, and so on.

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1 unit 327, McDermott and Feeley gave you the
2 instructions there, did they?

3 A. No, my instructions with
4 reference to Windsor - the Windsor unit was
5 received from Mr. Gardner and also Mr. James
6 S. Allan, a solicitor in Windsor contacted
7 me with reference to that - I have his name
8 here - yes, it is Mr. James S. Allan, spelled
9 A-l-l-a-n.

10 Q. And who gave you instructions
11 so far as the Bertie Township club?

12 A. Mr. McLaughlin discussed that
13 with me, and he had with him one other man
14 whose name I don't remember. It would be
15 one of the three mentioned in the application
16 for incorporation, but I am afraid -- Oh yes,
17 here it is, Mr. Ross, Albert S. Ross.

18 Q. Well, this was the same
19 McLaughlin you had had dealings with for some
20 time with relation to the Middle Road, as
21 you call it?

22 A. Yes, that is correct.

23 THE COMMISSIONER: And then the Middle
24 Road group instructions came from whom?

25 A. Mr. McDermott, Feeley, and
26 at various times I saw Mr. Lincoln H. Turner,
27 John Pleschuk, and Thomas Mackay.

28 MR. WILSON: Who paid for your services
29 with respect to each one of these charters?

30 A. I was paid at the same time, there



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1 were a number of people in my office, and
2 they got some money together, and they paid me
3 \$500.

4 Q. Who were the same people who
5 were in your office?

6 A. McDermott, Feeley, Gardner,
7 McLaughlin, that is all I can remember. There
8 was a meeting to discuss the whole situation.

9 Q. This was the meeting to discuss
10 the three club charters?

11 A. That is correct.

12 THE COMMISSIONER: Q. How did they
13 pay you, by cheque or cash?

14 A. Well, I looked at my book, it
15 does not show it, it merely shows a payment
16 from Army, Navy and Airforce. I have no
17 figure either in the receipt book or ledger
18 or cash book.

19 MR. WILSON: Q. Those were -- that
20 group were paid for all three charters?

21 A. That is correct.

22 THE COMMISSIONER: Q. For a total
23 of \$500?

24 THE WITNESS: Yes.

25 MR. MACKINNON: \$500 each?

26 THE WITNESS: No, five from all three.

27 MR. WILSON: Q. That is rather a
28 moderate fee for services?

29 MR. MACKINNON: Modest.

30 THE WITNESS: In view of subsequent events,

[illegible]



1 sure. But, I thought it was a fair
2 reasonable fee.

3 MR. WILSON: Q. Did you have any
4 correspondence with Allan in regard to the
5 Roseland at this time?

6 A. Well, I have the application
7 for incorporation which was completed by him,
8 but I have no copies of any correspondence
9 in my file. I could not tell you whether
10 it came in an envelope - I don't know - I
11 had a talk on long distance by telephone.

12 Q. Allan I take it was merely your
13 agent working on this thing?

14 A. No, he was a solicitor. He
15 was a solicitor acting for Mr. Gardner in
16 Windsor. He was not my agent, I paid him
17 nothing.

18 Q. Well, I think after the issue of
19 the charters there was a press release by
20 the Attorney-General as to why this was being
21 done, or did you have knowledge of that -
22 it has been filed?

23 A. I remember vaguely something.

24 Q. And I think it has been filed,
25 Mr. Commissioner, as I recall it, as an
26 exhibit. Now, the next letter which forms
27 part of Exhibit 178 would be Y. It is
28 a letter of July the 31st, 1957, addressed
29 to the Attorney-General, attention Mr. W.C.
30 Bowman, U.C. I think this is the first letter



1 you wrote on behalf of the Frontier - at
2 least that I have seen.

3 A. Well, they didn't exist -
4 the Frontier didn't exist until just a few
5 years before that.

6 Q. The predecessor existed?

7 A. Yes.

8 Q. And I take it that at the time
9 these new charters were granted, you were
10 persuaded by your clients that these were
11 bona fide social clubs?

12 A. Well, if I needed any persuading,
13 the fact that they were willing to submit
14 to this was ample.

15 Q. Did you have anything directly
16 to do with the operation of any of these
17 three clubs at any time?

18 A. No.

19 Q. At any time?

20 A. No, at no time.

21 Q. This letter of July 31st, reads
22 as follows:

23 THE COMMISSIONER: Just a moment now
24 until I find that. Yes, I have found it
25 now, thank you.

26 MR. WILSON: (Reading):

27 "Re Frontier Veterans Association.

28 "I regret to have to have

29 "to complain once again about the

30 "actions of the Ontario Provincial





1 "Police, this time with regard
2 "to Frontier Veterans Association
3 "at Fort Erie.
4 " Due to the reorganization ,
5 "that is the taking over of the
6 "club premises by Frontier Veterans
7 "Association from the Canadian
8 "Merchant Navy Veterans Association,
9 "and due to it being vacation period,
10 "the activities of the club have
11 "been at a minimum and there has
12 "been no meeting held. On Monday
13 "night, July 29th, 1957, 8 members
14 "of the club were on the club premises
15 "for the purpose of an executive
16 "reorganizational meeting and were
17 "engaged only in business discussion
18 "relating to the club. No other
19 "activity of any kind was being
20 "carried on. To their great
21 "amazement, at about 11 p.m. Corporal
22 "Saythe accompanied by two officers
23 "of the Ontario Provincial Police
24 "executed a search warrant which
25 "they had just obtained and entered
26 "the premises. They not only
27 "interrogated every person present
28 "but they searched the premises
29 "thoroughly. With each individual
30 "they went into his past record,



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1 "inquired as to the point of
2 "entry of two U.S. members and
3 "inquired whether or not they
4 "had never been fingerprinted.
5 "They were told that a careful
6 "check would be had with the
7 "Immigration Department as to
8 "their rights to be in Canada.
9 "The officers were on the premises
10 "for about an hour and found no
11 "gambling paraphernalia of any
12 "kind whatsoever. As a matter
13 "of fact they came in during a
14 "business meeting only. Not one
15 "of the people at the meeting had
16 "any criminal record or any other
17 "record of any nature whatsoever
18 "and they were of course prevented
19 "from holding a meeting.
20 " I telephoned your Mr. Bowman
21 "yesterday to complain about the
22 "actions of the police on the Monday
23 "night and Mr. Bowman suggested that
24 "I put my complaint in writing. In
25 "the meantime, I find that the police
26 "last night executed another search
27 "warrant at about the same time.
28 "At this time there were about ten
29 "people on the premises who were
30 "engaged in setting their books in



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1 "order and setting up the new
2 "organization. They were not
3 "engaged in any recreational
4 "activities or any activity of
5 "any kind except the future
6 "organization of the club. Not
7 "one person yesterday has any
8 "record of any nature whatsoever.
9 "Once again the premises were
10 "searched and each member of
11 "the organization interrogated
12 "at some length. The members were
13 "detained on the premises for
14 "approximately one hour. When
15 "the officers left they told
16 "everyone present that they would
17 "see to it that no club would be
18 "operated on these premises and
19 "they would see to it that any club
20 "activities would be stopped. They
21 "also stated if there were any members
22 "present the next night the officers
23 "would be back again.
24 " We must protest emphatically
25 "against this type of conduct of
26 "the police. It is not the function
27 "of the Ontario Provincial Police
28 "to prevent any proper meetings or
29 "gatherings of a group of veterans.
30 "A new charter was obtained from the



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1 "Provincial Secretary permitting
2 "legal operation of a club. The
3 "Provincial Police are not even
4 "permitting the members to organize
5 "the club or get the club records
6 "in order or hold any meetings.
7 "The threats of the police have
8 "no place in police work nor is
9 "It the function of the police to
10 "harrass or embarrass members
11 "who are present at proper discussional
12 "and business meetings of such a
13 "club. There is not even a
14 "suggestion of anything out of the
15 "way taking place at this club
16 "and it is respectfully submitted
17 "that this type of police surveillance
18 "should be stopped at once."

19 Now, on whose instructions did you
20 write that letter?

21 A. I believe it was on Mr. McLaughlin's
22 instructions.

23 Q. Did he give you the information?

24 A. Yes.

25
26 ---EXHIBIT NO. 178-Y: Letter dated July 31, 1957,
27 addressed to the Attorney-
28 General, attention Mr. W.C.
Bowman, Q.C., re Frontier
Veterans Association.

29 MR. WILSON: Q. Is Mr. McLaughlin dead now?
30



1 A. I don't know.

2 Q. You have not seen him?

3 A. No, I haven't seen him for
4 some time.

5 Q. The next letter is dated
6 September 12th, 1957, and it will be 'Z'.
7 It is a letter from the witness to W.B. Common,
8 Q.C., and reads as follows:

9 "Dear Sir:

10 " You will remember that, when
11 "arrangements were made with the
12 "Attorney-General on behalf of
13 "my clients, two units of the Army,
14 "Navy and Airforce Veterans in Canada
15 "as well as the Canadian Merchant
16 "Navy Veterans Association to place
17 "themselves under Provincial
18 "jurisdiction and operate their
19 "club rooms under Ontario charters,
20 "it was understood that the Provincial
21 "Police would cease picketing, harrassing
22 "and annoying our clients and would
23 "instead act only on complaints
24 "received.

25 " I am now advised by Roseland
26 "Veterans Association of the Township
27 "of Sandwich South in the County of
28 "Essex that the Ontario Provincial
29 "Police have been continually harrassing
30 "this club every day for weeks. This



1. The first question is whether the evidence is sufficient to establish that the defendant is guilty of the crime charged. The evidence must be such that a reasonable person would believe that the defendant is guilty beyond a reasonable doubt.

2. The second question is whether the evidence is sufficient to establish that the defendant is guilty of the crime charged. The evidence must be such that a reasonable person would believe that the defendant is guilty beyond a reasonable doubt.

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7. The seventh question is whether the evidence is sufficient to establish that the defendant is guilty of the crime charged. The evidence must be such that a reasonable person would believe that the defendant is guilty beyond a reasonable doubt.

8. The eighth question is whether the evidence is sufficient to establish that the defendant is guilty of the crime charged. The evidence must be such that a reasonable person would believe that the defendant is guilty beyond a reasonable doubt.

9. The ninth question is whether the evidence is sufficient to establish that the defendant is guilty of the crime charged. The evidence must be such that a reasonable person would believe that the defendant is guilty beyond a reasonable doubt.

10. The tenth question is whether the evidence is sufficient to establish that the defendant is guilty of the crime charged. The evidence must be such that a reasonable person would believe that the defendant is guilty beyond a reasonable doubt.



1 "first took the form of officers
2 "with flashlights moving on
3 "everyone who endeavoured to
4 "enter the club premises, stopping
5 "people entering and leaving,
6 "shining lights in their eyes
7 "and so on. Lately the police
8 "have had a car parked on the
9 "highway opposite the club premises,
10 "shining flashlights on the cars
11 "entering and leaving and continuing
12 "besetting the club premises.
13 "This has occurred every night for
14 "many hours.
15 " In addition I am instructed
16 "that a few days ago the Provincial
17 "Police entered the club premises
18 "under a pretext of investigating a
19 "murder which they stated had taken
20 "place in Detroit and interrogated
21 "everyone on the premises. One
22 "cannot object to proper police
23 "investigations but in this instance
24 "the officers advised reporters that
25 "the murdered man had been on the
26 "club premises on several occasions
27 "and for that reason they were
28 "investigating the club. I am
29 "instructed that at no time was
30 "the murdered man on the club premises



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1 "to the knowledge of our clients
2 "and that, in any event, such
3 "a statement should not have been
4 "given to the newspapers.

5 " I am further advised that
6 "on several occasions the police
7 "have, pursuant to search warrants,
8 "entered the premises of the Frontier
9 "Veterans Association at Fox Erie
10 "and have interrogated everyone
11 "present over some length of time.

12 " It is not suggested that
13 "the Ontario Provincial Police should
14 "not observe these premises as they
15 "should observe all other clubs in
16 "the province. However, this
17 "observation should not, in my
18 "opinion, extend to continual
19 "harrassing and raiding of the club
20 "premises as well as once again
21 "giving statements to newspaper
22 "reporters. If your Department
23 "has any complaint whatsoever about
24 "the conduct of this club I can assure
25 "you that this club is prepared to
26 "allow the fullest investigation
27 "and is prepared to abide by the
28 "result of any misdeed on its part.
29 "We cannot overlook the fact that
30 "this harrassing has now continued

[illegible]



1 "for many, many months, that no
2 "charge has ever been laid, that
3 "the clubs are endeavouring as
4 "much as possible to co-operate
5 "with your Department and that they
6 "ask only that they be treated in
7 "the same manner as any other
8 "veterans club in the province. "

9
10 ---EXHIBIT NO. 178-Z: Letter dated Sept. 12, 1957,
11 from Louis Herman to W.D.
12 Common, Q.C.

13 MR. WILSON: Q.

14 Now, who gave you the information
15 upon which to write that letter?

16 A. Insofar as there are two clubs,
17 which were they?

18 Q. Roseland and Frontier.

19 A. Most of my instructions from
20 Roseland came from Mr. Gardner, from the
21 Frontier they were either from Mr. McLaughlin
22 or Mr. Ross. They were the only two that
23 I knew.

24 Q. Who told you about the man
25 who was murdered, and who had formerly attended
26 the club?

27 A. Mr. Gardner, Sr.

28 Q. And are you sure he told you
29 that this murdered man had never been at the
30 club?

A. He must have, I certainly -
I wouldn't have had those instructions - I would





1 not have put it in the letter.

2 Q. You say, "I am instructed that
3 at no time was the murdered man on the club
4 premises to the knowledge of our clients".

5 A. Those were my instructions.

6 Q. Those were your instructions?

7 A. Yes.

8 Q. Because Mr. Gardner has given
9 evidence to the effect that Atwood was in
10 attendance at the club on some occasions.

11 A. He must have been mistaken.

12 MR. MACKINNON: Who?

13 THE WITNESS: Mr. Gardner.

14 THE COMMISSIONER: He may have been mis-
15 informed - he may have misinformed you.

16 THE WITNESS: He may have. I should
17 have put it that way, I beg your pardon, that
18 is right.

19 MR. WILSON: There is one last letter.

20 THE COMMISSIONER: The alphabet is
21 running out. We will adjourn now until 2:15.

22
23 ---Whereupon the hearing adjourned at 1:05 p.m.
24 until 2:15 p.m.

25
26 (Page 6670 follows)



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L. Herman

6670.

-- On resuming at 2:30 o'clock p.m.

LOUIS HARMAN, Recalled

EXAMINATION-IN-CHIEF BY MR. WILSON (Cont'd)

Q. There is one last letter in this series of complaints, exhibit 178. I imagine we will have to call this "AA".

THE COMMISSIONER: Yes.

MR. WILSON: This is a letter of September 23rd, 1957, from the witness to B. B. Common, I.C.:

" Once again we must write to you
"with regard to the manner in which
"the Ontario Provincial Police are
"carrying on in connection with the
"Hoseland Veterans Association and
"the Frontier Veterans Association.
" When these two clubs were
"incorporated under Provincial laws
"as a voluntary act of the members
"of the club, it was understood that
"the purpose of such incorporation
"was to place each club under
"Provincial jurisdiction so that there
"would be no reason or excuse for
"picketing, harrassing and annoying
"this club and so that your Department



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L. Herman

6671.

"and the Deputy Provincial Secretary

"would have the right to hold an

"investigation and cancel the

"charter if any complaints were re-

"ceived.

" Since incorporation of the

"Roseland Club on July 5th, 1957,

"the Provincial Police have been

"either on the premises or outside

"the premises each night for hours

"at a time. While their conduct

"has varied somewhat yet as recently

"as Saturday night September 21st,

"they stopped each car entering or

"leaving the club premises and took

"the license number of each car.

"In addition on that night, they

"entered on the premises under a

"warrant, seven officers in all,

"remained on the premises for three

"hours, interrogated everyone there

"in addition to threatening all

"present and accusing them with

"non-cooperation with the police,

"and so on.

" For the fourth continuous now

"the Provincial Police have entered

"upon the premises of the Frontier



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L. Herman

6672.

"Club at Port Erie. The last two
"incidents occurred Saturday after-
"noon September 21st, 1957 when the
"police entered the premises under
"a warrant, interrogated everyone
"there and told all persons that if
"the club was open the next day they
"would once again come into the
"premises. They came back again
"Sunday afternoon, repeated what they
"had done the day before and told
"everyone present that if the club
"were open the next day, they would
"be back again.

" It was certainly not intended,
"when these clubs were incorporated
"by Provincial charter that the
"picketing, harrassing and annoying
"of the members of the club would
"continue. It was definitely under-
"stood that they watching and
"besetting of the club premises
"would cease and that these clubs
"would be permitted to operate in
"exactly the same manner as other
"clubs in the province without
"continual harrassing by the police.

" Some few weeks ago the police



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L. Herman

6673.

"in Windsor under Sergeant Hatch came
"to the premises without a warrant,
"were admitted promptly and given
"carte blanche in their investigating
"of the club premises and in their
"interrogation of every member on
"the premises. No warrant was or is
"necessary. The police may feel free
"to come in upon the premises at any
"time upon reasonable cause or com-
"plaint and will be given the
"fullest cooperation by all members
"of the club. What they object to
"is the fact that day after day these
"premises are kept under surveillance
"and the members stopped and/or
"interrogated, that many threats are
"being made and that the police
"themselves have advised all the
"members on a number of occasions
"that, contrary to the provisions
"of the Letters Patent issued to
"them and contrary to anything that
"was stated in your department,
"these clubs would not be permitted
"to carry on either uncollected or
"at all.

" Two and a half months have now



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1 L. Herman 6674.

2 "passed since the issuance of the
3 "Letters Patent. No charges of any
4 "type whatsoever have been laid or
5 "even suggested. Punishment how-
6 "ever as well as criticism, threats
7 "and statements to newspapers have
8 "all been given out. Surely the
9 "time has come for this conduct to
10 "cease."

11
12 EXHIBIT NO. 172(AA): Letter dated
13 September 23,
14 1957, from
Herman & Moses
to W.E. Common.

15 BY MR. WILSON:

16 Q. That appears to be the last
17 letter in this series of complaints. What hap-
18 pened as a result of that letter?

19 A. What was the date of it?

20 Q. September 23rd, 1957.

21 A. Nothing that I can remember.

22 Q. You didn't get any satisfaction
23 from the Attorney-General's Department?

24 A. No.

25 Q. Or from the Ontario Provincial
26 Police?

27 A. No.

28 Q. They just kept on the same
29 tactics, I take it, in the manner in which they
30 had dealt with it during the months --





L. Herman

6675

1
2 A. I can't say they did day after
3 day, but on and off they did, yes. Those are
4 my instructions.

5 Q. Before I turn to another incident,
6 what were the fees you charged in 1957, apart
7 from the charter fees you mentioned this morning?

8 A. I believe that was all I re-
9 ceived in 1957, the five hundred dollars I men-
10 tioned this morning.

11 Q. Then in November, 1957, on
12 November 17th, 1957, there was a raid on the
13 Roseland Club in Windsor which resulted in
14 charges being laid against Finnegan and Gardiner?

15 A. That is correct.

16 Q. Now, you were retained in
17 connection with those charges, I understand?

18 A. I was consulted with reference
19 to it. Actually I went to Windsor for the pur-
20 pose of giving evidence with reference to the
21 charters and the position of the club charter-
22 wise. There was Mr. Arthur Martin, Mr. David
23 Humphrey, Mr. James Allen of Windsor and Mr.
24 Bernard Cohen of Windsor. I didn't take any
25 part in the trial.

26 Q. You were consulted by whom?

27 A. By Gardiner.

28 Q. You say, as a result of that
29 consultation, you went to Windsor?
30





L. Norman

6676

A. That is correct.

Q. To do something about the charter?

A. Well, the defence proposed they call me to testify as to the position of the club in so far as the Letters Patent are concerned.

Q. I understand you went down to Windsor some time before the actual trial?

A. A day or two. I couldn't tell you now.

Q. Do your records indicate the date you went to Windsor?

A. No. It would be the day -- either the day or the second day before the trial.

Q. And who accompanied you to Windsor?

A. Mr. Rose.

Q. What was he going to Windsor for?

A. Well, Mr. Rose had considerable experience in Magistrates' Court work and the suggestion was made that he come along to see if he could be of any assistance at the trial and he came along.

BY THE COMMISSIONER:

Q. Who made the suggestion?

A. I don't remember, sir, except that was my understanding.



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L. Herman

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Q. It wasn't yourself?

A. I know it was an afterthought because when I was referring to my books, which I did the other day, I found the office paid for one trip to Windsor which I assume was mine. I don't know who paid for Mr. Rose's trip. I think the ticket was given to him by someone. I don't know.

BY MR. WILSON:

Q. Did you know, when you left for Windsor, you were going to meet with these other counsel you mentioned?

A. Yes. I knew Mr. Martin and Mr. Humphrey had been retained.

Q. Where did you stay, in Windsor or Detroit?

A. I think I stayed -- yes, it was at the Leland Hotel in Detroit.

Q. Did you attend a meeting or various meetings of counsel?

A. Yes.

Q. What was your contribution to these conferences in preparation for the defence of the charges?

A. I took part in the discussions along with everybody else and contributed what I could.

Q. Then your function was a little



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L. Herman

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broader than you mentioned?

A. I didn't disregard the fact they were clients of mine. I certainly took part in the discussions with those men.

Q. Do you recall being present at a meeting where McDermott, Humphrey and Rose were present where strategy was discussed?

A. I wasn't present at that meeting.

Q. Now, Mr. Humphrey in his evidence, at page 3525, speaks of a meeting among the lawyers including Mr. Herman and Mr. Rose at which Mr. McDermott was present. Do you recall any such meeting?

A. Yes, he was present at one discussion.

BY THE COMMISSIONER:

Q. Who was?

A. You were asking about McDermott?

BY MR. WILSON:

Q. Yes.

A. Yes.

Q. What was his interest in the matter?

A. Well, Mr. McDermott fancies himself as a sort of "curbstone" lawyer. He sat in on our discussion and actually contributed to the discussion of Mr. Martin and the



FORM 127-2 (10-6-61)



L. Herman

6679

others. Q. Before you left Toronto, did you

know Mr. McDermott was going to be present at these meetings prior to trial?

A. I may have. I couldn't tell you now. I don't remember.

Q. Were you present at a meeting where there was some rumour talked about in regard to Sergeant Hatch's, as he was then, lining up witnesses for the prosecution?

A. No. I heard of that afterwards.

Q. You didn't hear anything of it at the time of your trip to Detroit --

A. No.

Q. -- prior to the trial?

A. No.

Q. When you say you didn't hear of it until afterwards, when did you hear of it?

A. Well, that is difficult to say because I read about it in Mr. Wintermeyer's address in the newspapers. It has been through my head so many times, I am afraid I don't remember.

Q. Did you hear about it before the trial of Finnegan and Gardiner?

A. No.

Q. Were you present when arrangements were made to set up a meeting between



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L. Herman

6690

Mr. Rose and a Mr. Miller with Sergeant Hatch in Detroit?

A. I don't know the name Miller at all. As far as the meeting with Mr. Hatch is concerned, that is what I was referring to when I say I heard of it afterwards.

Q. You had no knowledge at the time of any arrangements for such a meeting?

A. No, none at all.

Q. What, then, part did you play in the preparations for the defence of these charges?

A. Well, the strategy of the trial, the defence of the trial. All of that was discussed. I sat in on the discussions.

Q. And what was the charter angle that you were concerned with?

A. Well, the question of the onus. The onus of proof in the case of a prosecution on keeping a common gaming house would depend on whether or not the accused was a bona fide incorporated social club. So the purpose in my being there was to testify in the event the Crown wouldn't adduce such evidence, testify that this was an incorporated social club.

BY THE COMMISSIONER:

Q. All they would have to do was produce the charter, wouldn't they?



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L. Herman

6681

A. Yes. I was to produce it.

Q. They didn't need you to produce it. Mr. Gardiner or McDermott could have produced it.

A. Mr. Martin was of the opinion, when it was discussed with him, it might be a good idea to have counsel there because I participated in the discussions leading up to the charter, in case anything came out of it. That was on the advice of Mr. Arthur Martin.

BY MR. WILSON:

Q. Did you have any personal knowledge which would enable you to contribute anything in the way of evidence to support the theory that this was a bona fide social club?

A. I had no personal knowledge on the bona fides, but I did have personal knowledge of its incorporation.

Q. That was the extent of your knowledge of the club and its operation?

A. And my instructions, of course, but nothing I could testify to in court.

Q. What were your instructions at that time?

A. That it was a bona fide social club.

BY THE COMMISSIONER:

Q. I don't know yet the purpose of



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L. Herman

6682

Mr. Rose accompanying you.

A. Frankly, --

Q. Your office was retained only for the purpose of seeing that evidence with respect to the charter was brought forward?

A. That is not quite right, sir. That was the purpose of my going to Windsor, but the matter had been discussed with the office previously, the matter of the whole defence.

Q. I see. Then was Mr. Rose's purpose in going to Windsor to participate in the defence?

A. Yes.

Q. All right.

BY MR. WILSON:

Q. While you were there, did you have dinner with some of these counsel you mentioned and some other people?

A. With Bernard Cohen who was a classmate of mine. I hadn't seen him in many years.

Q. Who all was present at that dinner?

A. Just he and I. I don't remember whether Mr. Allen was there or not. It was just a social dinner.

BY THE COMMISSIONER:

Q. Where was it?



Am. Mus. Nat. Hist. 1913



L. Norman

6683

A. Right near the --

Q. The Leland Hotel?

A. No, this was in Windsor, not the Horton Palmer --

Q. The Prince Edward?

A. The Prince Edward Hotel, just down the street off the main street there.

BY MR. WILSON:

Q. Did you meet a Mr. Giacalone?

A. No.

Q. Did you meet any Americans who sat in on any of the discussions in connection with the preparation of this defence?

A. There were several people. There were two people who sat in on the discussions, but I couldn't tell you who they were. I was introduced to them, but the names evaporated. I don't know who they are.

Q. What was their apparent interest in the matter?

A. They were introduced by Mr. Gardiner as -- I assumed they were associates of his or members. I don't know. They took part in the discussions.

Q. They did take part in the discussion?

A. Yes.

Q. They appeared to have a real



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L. Herman

6684

1 interest in what was going on?

2
3 A. Of Course.

4 Q. You can't name any one of them?

5 A. No, I don't remember the names.
6 We were introduced. I don't know that I ever
7 saw them again.

8 Q. How long were you there at this
9 time?

10 A. Two or three days -- I am not
11 sure -- not more than that.

12 BY THE COMMISSIONER:

13 Q. Who paid your fees and Mr. Rose's
14 fees?

15 A. Mr. Gardiner paid me and then
16 when he was convicted, he still hadn't paid me
17 in full. There was nothing done about it. But
18 I was paid. Mr. Gardiner paid me two hundred
19 dollars. He also paid me the expenses. That
20 is the hotel -- no, I think he paid the hotel
21 bill. That was all I was paid. There was no
22 occasion afterwards to discuss any further fee
23 because Mr. Gardiner and Mr. Finnegan were both
24 convicted and sent down.

25 Q. Who paid Mr. Rose?

26 A. That was the only fee that was
27 paid, as far as I know, for both Mr. Rose and
28 myself. The payment to me would be for both of
29 us. That is the payment of two hundred dollars
30



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L. Herman

6685

1
2 I received plus reimbursement for some expenses.
3 I don't remember what they were.

4 BY MR. WILSON:

5 Q. Mr. Rose, in his evidence at
6 page 4228, recalled going out to dinner. He
7 recalls that Mr. Humphrey, yourself and three or
8 four other persons were there.

9 A. We may have had a meal together
10 in the course of our discussions. That is not
11 the dinner to which I referred.

12 Q. Maybe there was more than one
13 dinner?

14 A. Yes, I say that.

15 Q. Would you recall the dinner
16 Mr. Rose was talking about where there were
17 apparently about eight of you?

18 A. That was in the course of the
19 preparation when we all met at the Leland Hotel.
20 Whether we ate there or the one across the
21 street, I don't know, but we all did have a meal
22 together.

23 Q. Did this include some of these
24 Americans you speak of?

25 A. Probably. Really I don't
26 remember. There were quite a few there.

27 Q. Do I understand you to say you
28 were not consulted in any way on the part your
29 partner Mr. Rose was to take in the meeting, in
30



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2. The second...

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25. The twenty-fifth...

26. The twenty-sixth...

27. The twenty-seventh...

28. The twenty-eighth...



L. Herman

6686

1
2 this proposed meeting with Sergeant Hatch?

3 A. Not at all.

4 Q. He was at that time a partner
5 of your's?

6 A. Yes.

7 Q. And was the fee you speak of
8 a fee that covered both the services of Mr.
9 Rose and yourself?

10 A. Well, it purported to. I was
11 to get more money, but unfortunately I didn't.

12 Q. Did you go back to Windsor for
13 the trial?

14 A. I was present in court, yes, but
15 I didn't appear as counsel.

16 Q. Now, after the conviction of
17 Finnegan and Gardiner, you had something to do
18 with the transportation of Gardiner to jail?

19 A. No, I have no recollection --

20 Q. No?

21 A. I have no recollection of
22 anything to do with that.

23 Q. No recollection of that. Now,
24 at page -- this was the move from Essex to
25 Mimico.

26 A. I have no recollection of
27 taking any steps in that regard.

28 Q. Now, Mr. J.F. Gardiner, in his
29 evidence at 2097, speaks about the trip he had
30 from Windsor or Essex jail to Mimico by train.



● ● ● ● ●



L. Herman

6687

He was accompanied by a Mr. J.M. Robinson who, I believe, was the warden of the Essex jail.

Mr. Gardiner was asked this:

"How you knew that this was being

"paid for through Mr. Herman's

"office, didn't you?

"A. Yes, sir."

And then on page 2098:

"A. You are saying Mr. Herman paid

"this out of his own pocket?

"A. He done that a couple of times

"for me."

Now, what do you say about that?

A. The first I heard of it was when it was in the newspaper recently. It was in connection with this Commission Inquiry.

Q. I will read a memorandum which purports to have been made by J.M. Robinson. This was made by Robinson -- no, that is not correct. Did you not get a return of the expense money that had been advanced to J.M. Robinson at your office?

A. I have no recollection of anything like that.

(page 6690 follows)



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Mr. Herman.

6690.

(CONTINUATION OF EXAMINATION OF MR. HERMAN
BY MR. WILSON).

Q. Well, we will have to tell Mr.
Robertson to tell us about that.

A. I have no recollection of that
at all.

Q. When McDermott was in gaol, did
You take some steps on his behalf to have their
sentence remitted//

A. Yes, I wrote a letter to the
Department of reforms institutions. McDermott
gave me a letter from a priest and a doctor.
The doctor testified - certified to Mr. Gardner's
condition, and the effect of the letter was, as
I remember it, it could do a great deal of harm to
him. If he remained incarcerated, and I wrote
a letter to the department of Reform Institutions.

Q. You wrote that letter at the
request of Mr. Joseph McDermott?

A. That is right.

Q. And setting out the particulars
of the man's condition as given to you by McDermott.

A. Yes.

Q. By this letter McDermott had handed
to you?

A. By this letter, that is correct.

Q. Did you visit Gardner at the gaol?

A. No.

Q. You did not. And did you have
anything else to do with his NKK discharge from





Mr. Herman,

6691.

gaol in April, 1958 apart from the writing of that?

A. I had discussed it on at least two other occasions with Mr. McDermott. Mr. McDermott - Mr. Feeley was -- whether he was in on this occasion or not -- I had discussed it with him on several occasions.

Q. Apart from the letter, did you make any representations to any person, or body, to bring about his release?

A. Oh, no.

Q. That brings us up to 1958. Did you get any further fees in 1958?

A. When -- I am sorry -- I will just get this file -- I beg your pardon, this is 1959. no.

Q. Well, have you still got 1959 in your hand? Did you get some money in 1959?

A. Yes, I have 1959 in my hand. I have nothing in 1958. In 1959 I was retained on November 12, 1959. The District Deputy Provincial secretary wrote a letter asking for returns of names and addresses of all members of the corporation and as the result of that I communicated with the Deputy Provincial Secretary's Department and left with him, or somebody in his office, a list of names of the members of the organization, a minute book. There may have been two minute books and some other items. I have not seen them since.



THE COURT

AND THE JURY, THIS DAY OF JANUARY, 1900.

STATE

A. I am a resident of the State of New York.

and have been so for the last ten years.

My name is John Doe, and I am now residing at No. 123

Fourth Street, New York City.

I am now a resident of the State of New York.

I am now a resident of the State of New York.

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Mr. Herman.

6692.

I don't remember what they were, but these were left with the Deputy Provincial Secretary.

Q. You were going to tell us about money received in 1959, and for services to these various operations.

A. That I would have to look up, Mr. Wilson. I am sorry.

Q. Will you do that?

A. Yes, I will do that.

Q. From the period 1954 to 1960 all the payments received by you?

A. I will be happy to get it.

Q. Now, shortly after the date you just mentioned, November, 1959, there was a notice of cancellation given by the Deputy Provincial Secretary with respect to the Centre Road Club?

A. That is right.

Q. And did you, on behalf of the Club seek an opportunity to contest that cancellation?

A. Yes, I did.

Q. And did you act for the club on the hearing before the Deputy Provincial Secretary?

A. Yes, I have the transcript here.

Q. I think the transcript has been filed as an exhibit.

A. I would not know that.

Q. Can you tell us what the defence was, briefly?



Mr. Herman.

6693.

A. Yes, the Secretary first took the position that there weren't ninety-five percent of the organization veterans, and that was a condition of the letters patent and in the list that was submitted it appeared -- I don't remember the percentage or number, but certainly five percent were known veterans and there had been granted an association membership of people, not members and not the right to vote and had guest privileges. And it was also complained that there was bolts on the doors preventing the entry of the police and the evidence was that -- there was evidence adduced to the effect the bolts were put on at the suggestion of the fire marshall. It was also suggested this was not a bona fide club and evidence was adduced to show that this organization had participated in many charitable endeavours and had many activities.

Q. And that was the gist of the defence?

A. Well, I have nearly four hundred pages of evidence, but that was the gist of it. In Mr. Cudney's letter of January 27th to me he set out the complaints and those are the ones I mentioned.

Q. January 27th?

A. 1960.

Q. And after the hearing there was a slight adjournment, and then there was an argument



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Mr. Herman.

6694.

on the matter?

A. Yes.

Q. Following which the decision was reserved?

A. That is right.

Q. And then you communicated to Mr. Cudney, the deputy provincial secretary, before the cancellation, did you not?

A. Before the hearing?

Q. No, after the hearing and before the cancellation. It is by telephone and not by letter.

A. Yes, I remember speaking to him on the telephone on two or three occasions.

Q. What was the nature of the representations you were making to him at that time? This was after the hearing and before the cancellation.

A. I don't remember, sir.

Q. You don't remember?

A. No -- it was -- on one occasion with reference to the date of the hearing -- no, my telephone conversations were before the hearing.

Q. You don't recall any after the hearing and before the cancellation?

A. I don't know.

Q. Because Mr. Cudney, at page 1096, says that Mr. Herman spoke to me as solicitor



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Mr. Herman.

6693.

for the club long before the cancellation. This was during the course of the hearing or after the hearing. Answer no, this was after the hearing, and I wonder if you recall such a conversation?

A. No, as I say my letter confirms a telephone conversation but that was before the cancellation, and then there was a telephone conversation on February 2nd, that was before the hearing, just a few days before the hearing.

Q. I am concerned only with the call, or calls, made after the hearing and before the cancellation.

A. I have no recollection of any such telephone call.

Q. Magistrate Addison has given evidence here. Do you know Magistrate Addison?

A. Yes, as a member of the Bar and some years before.

Q. He was presiding over the trial of the charges regarding the Finnish Club. Do you recall the Finnish Club?

A. Yes. It was mentioned and referred to in these proceedings before Mr. Guiney.

Q. Did you act for the Finnish Club at any time?

A. At no time.

Q. Well now, Magistrate Addison, in his evidence at page 4648 says during the course of the trial of the charges con -- involving the

[illegible]



Mr. Herman.

6696.

1 Finnish Club, someone did call him and said he
2 was Mr. Herman. The voice identified itself as
3 Mr. Lou Herman. Did you make any such call to
4 Magistrate Addison?

5 A. No, never.

6 Q. Did you have any connection with
7 that Club?

8 A. Never.

9 Q. Or any connection with Fleschuk
10 who did have something to do with this club?

11 A. After I read that in the news-
12 papers the other day I remembered hearing about
13 Fleschuk and the Club, and in the transcript they
14 mentioned the fact that Fleschuk who had been con-
15 victed in connection with the Finnish Club had
16 something to do with the Centre Road Veterans
17 Club, and that is the first I heard of the Finnish
18 Club.

19 Q. Did you ever have any dealings
20 with Fleschuk?

21 A. No.

22 Q. He said he had been in your office
23 in connection with the Centre Road Club.

24 A. Is that the same man. I did not
25 connect it.

26 Q. It may be the same man.

27 A. It may be.

28 Q. Apart from that meeting did you
29 have any dealings with Fleschuk?

30 A. No, I did not.





Mr. Herman.

6697.

THE COMMISSIONER: Have you finished with the Addison episode? I suggest you refer the witness to what was said.

A. I read it in the newspapers.

MR. WILSON: I think it will be right here. At page 4648, starting at line 18:

"A. The voice: the voice identified itself as that of Mr. Lou Herman. I did not know the voice.

Q. Did he give you some advice, or make some request as to what you should do in this case?

A. The voice did.

Q. The voice did?

A. Yes.

Q. What sort of advice did the voice give you?

A. Told me that it was interested in Finnish relations, insofar as it affected-- I do not know - something that Mr. Herman was interested in, or something that the voice was interested in. "

That was the sum and substance.

THE COMMISSIONER: Do you recall that at all? Does that refresh your memory a bit?

A. No, there was no such incident. I never acted for the Finnish Canadian Club.

MR. WILSON: Q. Were you in any way concerned with Canadian Finnish relations in any organization of which you are a member?



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SECRETARY OF THE
NAVY.



Mr. Herman.

6698.

A. No more than that of any citizen.

Q. And you say whatever that person called themselves on that occasion it was not you calling Magistrate Addison?

A. No. I never made any such call.

Q. In Mr. Wintermeyer's speech, Exhibit 3, at page 94, the last paragraph, on the first column, Toronto law firm of Herman, Moses and Rose has acted for the Union Jack Club the Westend Club, the Columbia Club, the Greek-Canadian Club.

THE COMMISSIONER: Just a moment. Union Jack Club, the Westend Club --

MR. WILSON: The Columbia Club, the Greek-Canadian Club, the showmans' League of America, Frontier Veterans Association, Fort Erie. The Roseland Club in Windsor, and the Centre Road Veterans' Club of Cooksville. Now, dealing first with the Union Jack Club what was your association with that Club?

A. At your request yesterday, Mr. Wilson, I dug out these various files this morning. I was unable to locate the Union Jack file. I have all the others. There is a card in the office, but I was unable to locate the Union Jack Club and my recollection is it had something to do with annual returns.

Q. Have you any recollection who the principals were you dealt with in connection with this?



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Mr. Herman.

6699.

A. I could not tell you the Union Jack Club. I could not remember. We have thirteen thousand files in the office.

Q. And the Westend Club, what was your connection with that club?

A. On June 3, 1954 Mr. Martin Wolfish was in to see me and asked me to prepare the annual returns, which I did, for 1954, and 1955 1956 and 1957, and those annual return copies of which I have here, were forwarded to the Deputy Provincial Secretary by letter of September 6th, 1957, and then I have an acknowledgment from him of September 12th, 1957, acknowledging receipt of the annual returns and making some observations with regard to decrease in the number of directors, and it must be by special resolution under the Act.

THE COMMISSIONER: Did I understand you correctly, he called you June 3, 1955?

A. Yes.

THE COMMISSIONER: And was it each year thereafter you put in annual returns?

A. No, I forwarded them on September 6, 1957, according to my file.

THE COMMISSIONER: This is June 3, 1955, and not put in until 1957.

A. That is correct, sir.

THE COMMISSIONER: For what year?

A. 1954-55-56 and 57 and all the affidavits were sworn the 6th September, 1957.



100. Mr. [Name]

A. I could not tell you the date

last time, I could not remember, we have

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Mr. Herman.

6700.

1 That is on the returns 54 and 55 and the others
2 don't require affidavits, but they bear the same
3 dates.

4 THE COMMISSIONER: The letter to the
5 Provincial Secretary Treasurer is dated what date?
6

7 A. September 6th, 1957.

8 MR. WILSON: What about your connection
9 with the Columbia Club mentioned in Mr. Wintermeyer's
10 speech?

11 A. Mr. Samuel Quinter was the owner
12 of the premises in which the Columbia Club had
13 space and on instructions of Mr. Quinter I pre-
14 pared a letter dated 12th July, 1956, from Mandy's
15 Restaurant Limited to Columbia Club. I drew
16 that letter and subsequently there was some
17 difficulty with Commercial Credit Corporation
18 with reference to the payment for some of their
19 furniture and I corresponded with them in connec-
20 tion with that. That was in October -- November,
21 of 1957 1957. December 4, 1957 I prepared an
22 annual return as of March 31, 1956, which I sent
23 to the Provincial Secretary and there was some
24 correspondence about some discrepancies in the
25 names with the Provincial Secretary Treasurer's
26 office and in my letter of March 28, 1958, I
27 wrote to him advising that the parties mentioned
28 in his letter had resigned. That straightened out
29 the discrepancies of the directors. This club
30 had received a letter from the taxation division
of the Department of National Revenue asking for



Mr. Harman.

6701.

information in connection with the Club and July 11, 1956 I wrote them giving them the change of corporation of the club and it was incorporated without share capital and is not carrying on business.

Q. And the next one is the Greek-Canadian Club. What was your connection with that Club?

A. On Jan. 20, 1959, a Mr. Fitzgerald brought in to me a letter from the Provincial Secretary Treasurer, January 16, 1959, addressed to the Greek-Canadian Club, 1289 Bloor Street, West, Toronto, advising that he wished to inspect the minute book and membership books and as the result of that, January 22nd I telephoned Mr. Cudney asking for some additional time because I had not received the information from my clients. I had communicated -- This was a club with head office in Ottawa. I communicated with Grace, Dunlap and Dunlap, Mr. John Dunlap, for the particulars and books Mr. Cudney wanted and I corresponded with them -- I wrote to Mr. Mongeon in Ottawa in March, 1959, the 24th, as the result of which I received a letter from Grace, Dunlap and Dunlap -- they wanted an extension of time and I wrote them April 7th the same date I had written the Deputy Secretary Treasurer asking for extension. I wrote to Mr. Fitzgerald asking for correspondence and there was additional cor-



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Mr. Herman,

6702.

recapitulation. I never received the information
from Grace, Dunlap and Dunlap. I wrote them
October 30th advising that we were in receipt
of a letter from the Deputy Secretary-Treasurer
advising his office will not wait any longer and
if the books are not produced in two weeks the
licence will be cancelled. We have heard nothing
from you and there is nothing I can do in con-
nection with this matter.

(Page 6720 follows)





CC W Jr 1

THE COMMISSIONER: Q. Who was

Mr. Fitzgerald?

A. He was a man who came in to see me. His address is 1239 Bloor Street West. His telephone number is Lennox 6-3348.

MR. WILSON: Q. What had he to do with the Greek Canadian Club?

A. He brought in to me Mr. Mongoon, that I have mentioned, of Ottawa. He either brought him in or got in touch with me and I wrote him; and apparently Mr. Fitzgerald's address is the same as the address of the Greek Canadian Club to which the Deputy Provincial Secretary had written, and he brought this in and told me that he was a member of a branch of the Greek Canadian Club at 1239 Bloor Street West, but it was an Ottawa corporation; so I immediately -- I shouldn't say immediately, but as a result of that I communicated with this firm of solicitors in Ottawa.

Q. What became of the charter of the Greek Canadian Club?

A. It was cancelled.

Q. Was it?

A. I have a letter from the Deputy Provincial Secretary dated December 9, 1959, addressed to me:

"I refer to my letter of October 28th

"relative to the above club.



The following is a list of the names of the persons who have been named in the report of the committee on the subject of the proposed amendment to the constitution of the United States.

1. Mr. John C. Calhoun

2. Mr. Daniel Webster

3. Mr. Charles Sumner

4. Mr. William H. Seward

5. Mr. John A. Bingham

6. Mr. James A. Garfield

7. Mr. John D. Long

8. Mr. John W. Foster

9. Mr. John M. McKim

10. Mr. John F. Johnson

11. Mr. John H. Thompson

12. Mr. John G. Thompson

13. Mr. John E. Thompson

14. Mr. John D. Thompson

15. Mr. John C. Thompson

16. Mr. John B. Thompson

17. Mr. John A. Thompson

18. Mr. John W. Thompson

19. Mr. John M. Thompson

20. Mr. John F. Thompson

21. Mr. John D. Thompson

22. Mr. John C. Thompson

23. Mr. John B. Thompson

24. Mr. John A. Thompson

25. Mr. John W. Thompson

26. Mr. John M. Thompson

27. Mr. John F. Thompson

28. Mr. John D. Thompson

29. Mr. John C. Thompson



1 "As the books have not as yet been
2 "produced an Order will be made one
3 "week from today under Section
4 "325(1) of the Corporations Act
5 "cancelling the Letters Patent of
6 "the Club for cause."

7 Q. Now, earlier in 1959 did you
8 have any dealings with a man by the name of
9 Musachaba?

10 A. I don't remember that name at
11 all.

12 Q. You did not have any negotiations
13 with him pertaining to the possible transfer
14 of the Greek Canadian Club charter and
15 also the charter of the Glen Brook Canadian
16 Club?

17 A. No. I don't know that name at
18 all. I do know such discussions --

19 Q. Now, the next club mentioned in
20 Mr. Wintermayer's speech is the Snowmen's League
21 of American?

22 A. Yes. Well, I have been a member
23 personally of the Snowmen's League of
24 American. The head office of which is in
25 Chicago - I don't know for how long - except
26 a year ago they awarded me with a 25 year
27 button; and it was decided to establish a
28 Canadian branch, or rather I should say an
29 Ontario Chapter.



The first part of the book
is devoted to a study of the
history of the United States
from the time of the discovery
of the continent to the present
time.

Now, after a brief review
of the history of the United
States, we turn to a study
of the present condition of
the country.

The first part of the book
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States, we turn to a study
of the present condition of
the country.

The first part of the book
is devoted to a study of the
history of the United States
from the time of the discovery
of the continent to the present
time.



1 I communicated with Mr. Gudney with
2 reference to incorporating in Ontario and
3 I had this problem that the only consent we
4 could get from the parent body in Chicago
5 was they would consent to the corporation
6 but they wanted to retain the right to
7 cancel their consent at any time for good
8 cause; and I communicated with Mr. Gudney
9 and he advised me it was not unusual to
10 issue letters patent in that manner; and
11 subject to the consent of the parent body.

12 As a result of that I applied for
13 incorporation on behalf of the Showmen's
14 League.

15 The applicants for incorporation were
16 George Wesley Conklin, Malcolm McNeill Webb
17 and myself; and subsequently letters patent
18 were issued.

19 THE COMMISSIONER: Q. The applicants
20 were whom?

21 A. James Wesley Conklin. He's
22 known as Faddy Conklin.

23 Q. Yes?

24 A. Malcolm McNeill Webb and
25 myself.

26 MR. WILSON: Q. What was the date of
27 the issue of the charter?

28 A. I haven't the charter but I have
29 the letter from the Deputy Provincial Secretary
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1 and that is dated August 26th, 1959.

2 Q. What was the nature of the
3 club? What were its --

4 THE COMMISSIONER: Objects?

5 MR. WILSON: Q. Objects and
6 activities?

7 A. Well, I have the constitution
8 bylaws here both of the Chicago organization
9 as well as the one here.

10 Q. I don't think we are concerned
11 with the one in Chicago so much.

12 A. Well, if I may read from Section
13 2:

14 "The object and purpose of the
15 "Ontario Chapter of the Showmen's
16 "League of American is to promote the
17 "mutual welfare and enhance the
18 "happiness of its members; to assist
19 "each member by honourable means; to
20 "promote friendship and good fellow-
21 "ship; to perpetuate itself as a
22 "social and fraternal organization."

23 And so on. It relates to membership
24 of the outdoor amusement industry in the same
25 manner as the Variety Club relates to motion
26 picture theatres, and there is the Saints and
27 Sinners Club.

28 Q. Where were the club premises
29 situated?





1 At the time of the application
2 for the charter they were located on the
3 second floor at the corner of Wellington and
4 Yonge. That's the south-west corner; and
5 subsequently they moved to 1 Howard Park
6 Avenue.

7 Q. And is the club still function-
8 ing?

9 A. Oh, yes.

10 Q. At that address?

11 A. Yes.

12 Q. The other three --

13 THE COMMISSIONER: Just a moment. What
14 about Price?

15 MR. WILSON: Q. There is a Joseph L.
16 Price, I think his name was?

17 A. Yes. Well, we -- I am a member
18 of the executive Committee of this club and
19 we were looking for club rooms, and this club
20 room at 1 Howard Park, apparently it had been
21 outfitted by Mr. Price as some club, some
22 business club he was going to operate or was
23 going to use there.

24 They never proceeded; never did anything.
25 We were able to find a club with everything
26 needed, and had the room.

27 Mr. Cudney then introduced me to Mr.
28 Price and it turned out that the zoning
29 restrictions prohibited the operation of any
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1 club at this address.

2 As a result I prepared an application
3 for Mr. Price. That is when I met him. I
4 prepared an application for Mr. Price to the
5 Committee of Adjustment for an amendment to
6 the zoning restrictions that would permit the
7 carrying on of a club house on these
8 premises.

9 And I appeared with Mr. Price before
10 the Zoning Committee at the City Hall.

11 Q. I have the -- First of all, has
12 the Showmen's League of America been in any
13 trouble with the police at any time?

14 A. Never that I have ever heard
15 of.

16 Q. No surveillance there?

17 A. They have visited there, came in.
18 At the beginning they were in several times.
19 Apparently there was an aura surrounding the
20 premises but they were always satisfied.
21 It isn't a small club. I have a financial
22 statement here and it's quite a substantial
23 club.

24 THE COMMISSIONER: Q. Does the club
25 lease the premises from Price?

26 A. Yes, it did. I prepared the
27 lease.

28 Q. Does he occupy the balance of the
29 building?
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1 A. Yes, at one side of the
2 building where he manufactures potato chips,
3 I understand.

4 MR. WILSON: Q. Is the Chipper Sales
5 located in that building?

6 A. I couldn't tell you. I don't
7 know. I know Mr. Price is there.

8 Q. And John Riggs had something to
9 do with Mr. Prices' operations?

10 A. The only thing I know about that
11 is on one occasion I was going into a meeting
12 of the Showmen's League and I met Mr. Riggs
13 on the street.

14 Q. I see.

15 A. And we passed the time of day.

16 THE COMMISSIONER: Q. Do you know
17 Mr. Riggs?

18 A. Yes, I have met him.

19 MR. WILSON: Q. Has he ever asked con-
20 sulted you professionally?

21 A. Well, he came in to see me with
22 Mr. Feeley in June, 1959, with reference to a
23 refusal to the Jordan Club, 143 Adelaide
24 Street West, of a banquet permit of the liquor
25 license board, and as a result of that I
26 communicated with the director of the
27 banquet permit department who said he had a
28 complaint because on one occasion they found
29 some men drinking on the premises.
30





And there was some empty bottles.

There was some discrepancy of the number of bottles in the permit and what they should have had; and he suggested a letter be written, which I did.

I prepared and drew it up. It was signed by the Jordan Chess and Bridge Club, and I understand a banquet permit was issued after that..

Q. Who signed it on behalf of the Jordan Club?

A. Mr. R. J. Dann, the Secretary-Treasurer, apparently.

Q. Now, then --

A. I'm sorry. I see I have his full name, Reginald John.

Q. Reginald John, yes. Now, in December of 1959 did you on behalf of Edward Fitzgerald have something to do with the Montcalm Club located at 1289 Bloor Street West?

A. Yes, I did.

Q. What was your connection with that operation?

THE COMMISSIONER: What address?

MR. WILSON: 1289 Bloor Street West.

A. That related to the annual returns. I have copies of them here.

Q Did you ever act for the Community



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1 Social Club?

2 A. Yes.

3 Q. In what connection?

4 A. In an application that was made.

5 I shouldn't have used the word application.

6 Proceedings were taken before the Deputy
7 Provincial Secretary to cancel the charter.

8 Q. Who were the clients in that
9 instance?

10 A. Mr. Peter Yorek.

11 Q. Peter Yorek?

12 A. Yes, Peter Yorek. I would have
13 to look that up. That was not a file you
14 mentioned to me.

15 Q. No.

16 A. I know Peter Yorek.

17 Q. What happened on that applica-
18 tion?

19 A. Well, the Deputy Provincial
20 Secretary -- The Provincial Secretary issued an
21 order cancelling the charter for non usage,
22 and I took the position that to cancel a charter
23 for non usage under the Corporations Act of
24 1953 there had to be notice given in
25 accordance with that section of the Corporations
26 Act, that notice was never given and Mr.
27 Gudney took the position, too, that he had the
28 right under the previous Corporations Act to
29 cancel the letters patent for non usage
30



Index (continued)

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1 without notice; and I issued a writ against
2 the Attorney General of Ontario for a
3 declaration that cancellation by the Provincial
4 Secretary was of no effect and improperly
5 made.

6 Q. What became of the action?

7 A. I haven't received a statement
8 of defence from the Attorney General's
9 Department. I have discussed with Mr. Pepper
10 the preparation of a stated case to submit
11 to a Justice of the Supreme Court because it is
12 on a very narrow point; whether or not that
13 cancelled the previous act..

14 Q. I understand these proceedings
15 for cancellation were negotiated in July of
16 1961?

17 A. That would be right. If it's
18 August -- It certainly was last year.

19 Q. Would Mr. Noble help your
20 recollection?

21 A. Yes, Max Noble; Now I remember,
22 yes. He was one of the people who came in to
23 see me with reference to the Community Social
24 Club.

25 Q. What was your connection with
26 the company known as the Motley Mines?

27 A. On the instructions of Mr.
28 McDermott and Mr. Feeley I applied for incorpora-
29 tion of Motley Mines Limited on July 17th,
30



...and I have been thinking

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1 1959. Subsequently that company was
2 incorporated by letters patent dated the 10th
3 of August, 1959. I took no further part
4 in it. I turned the file over to Messrs.
5 Manley & Grant who specialize in mining
6 companies, and so on.

7 And they have acted ever since.

8 Q. Then did you have some connection
9 with a company known as the Simple Finance
10 Company?

11 A. That's correct.

12 Q. On whose behalf were you acting
13 there and what did you do?

14 THE COMMISSIONER: What is the name
15 of it?

16 A. Simple.

17 MR. WILSON: Just as in "simple".

18 A. Yes. On the instructions of
19 Mr. McDermott and Mr. Feeley and a Mr. Lawrence,
20 an accountant, I applied for the incorporation
21 of the Simple Finance Limited to the
22 Provincial Secretary of Ontario, and a charter
23 was issued.

24 Q. That was a Mr. Clifford Lawrence,
25 was it?

26 A. C.R. Yes, that's right.

27 Q. And that charter was issued by
28 who?

29 A. The Provincial Secretary.
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Q. The Provincial Secretary?

A. Yes.

THE COMMISSIONER: Q. Under what date?

A. I haven't that file here but it's some time ago. It's several years ago.

MR. WILSON: I think it was 1956?

A. Was it that long ago? That may be.

Q. Did that company go into operation?

A. No.

Q. It never did?

A. No.

Q. And did you continue to be associated with it?

A. Well, I filed some returns for then.

Q. Well --

A. I haven't had anything to do - I haven't done any work on behalf of the company.

Q. Well, maybe in the morning you can tell us what happened to it, as far as you are concerned.

A. Well, I will get the file. Oh, I'm sorry. Yes, there was. The letters patent have now been surrendered in, I believe,



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1 1961; but I will get that file. It wasn't
2 one you asked me for.

3 Q. No, I appreciate that. Now,
4 what other dealings have you had on behalf
5 of or with McDermott and Feeley that we
6 have not touched on today?

7 A. They discussed a number of
8 real estate transactions. I noted in the
9 transfer of his home.

10 THE COMMISSIONER: Q. Whose home?

11 A. Mr. McDermott's home in Port
12 Credit from himself to his wife. On one
13 occasion Mr. Feeley discussed with me --

14 Q. Just a moment.

15 A. I beg your pardon.

16 Q. When?

17 A. It would be within the last
18 year, year and a half.

19 Q. Just a gift from him to his
20 wife?

21 A. Yes, that's right.

22 MR. WILSON: Q. How much would be
23 involved in that gift?

24 A. Well, it was natural love and
25 affection.

26 Q. I know. The value of the
27 estate?

28 A. I don't know the house.

29 Q. You don't know the house at all?



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1 A. No, Mr. McDermott brought
2 the deed into me and I drew a transfer and
3 then his wife came in and it was executed
4 and registered.

5 Q. Any other dealings you have
6 had with either of these gentlemen?

7 A. Let me think.

8 THE COMMISSIONER: Q. You were
9 telling us about Feeley?

10 A. Yes. On one occasion Mr. Feeley
11 discussed with me an apartment house project
12 on somewhere around Bloor and Jarvis, as
13 I remember it, but nothing came of that.

14 MR. WILSON: Q. Yes?

15 A. They were in and out of the
16 office many times. I don't remember.

17 Q. What amount of money was in
18 contemplation as far as this apartment house
19 you speak of?

20 A. It was quite a few years ago
21 but it was a sum in excess of one hundred
22 thousand dollars.

23 Q. Yes.

24 A. But there was no papers drawn.
25 It was just a discussion.

26 Q. And do I take it from your
27 evidence here today that you had no knowledge
28 of the illegal activities that were going on
29 in these three clubs, the Frontier, the
30





1 Roseland the Centre Road Club?

2 A. That's correct.

3 Q. Yes, and we have had filed
4 here as Exhibit 102 a brief that is known
5 as the Ramsay brief. Will you show that to
6 the witness, please.

7 Did you have anything to do with
8 the preparation of that document?

9 A. This is the first time I have
10 over seen it.

11 THE COMMISSIONER: Well --

12 MR. WILSON: Q. Well, is --

13 A. No. I have had nothing to do
14 with the preparation.

15 Q. And when did you first have
16 any knowledge of the existence of such a
17 document?

18 A. In the newspapers.

19 Q. At what time?

20 A. Well, I have heard of it
21 throughout this proceeding.

22 Q. Yes?

23 A. And I couldn't tell you -- I
24 paid no particular attention to it.

25 Q. Did McDermott or Feeley ever
26 discuss it with you?

27 A. No. I never heard of it.

28 MR. WILSON: That is all, Mr.
29 Commissioner.
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THE COMMISSIONER: Mr. MacKinnon?

---EXAMINED BY MR. MacKINNON:

Q. Will you tell me in 1954 and 1953 who your partners and associates were?

A. In 1954 Mr. H. Moses was my partner. My associates at that time, William Murphy; Robert McVey. No, he may have come in later.

Q. William Murphy?

A. Yes. I think Mr. McVey was after that and --

THE COMMISSIONER: Q. My associates in 1954 were William Murphy - who else?

A. I don't remember whether the late Mr. E. W. Rush was there in 1953 or not. He was at one time. Yes, he was. Mr. E. W. Rush.

Q. You are speaking of 1954?

A. Mr. MacKinnon said 1953. 1953 or 1954.

Q. All right, then, in 1954. I thought you said it was in 1953 you met Mr. Moses?

A. No, it was in 1954.

Q. Then in 1954 your partners were Mr. Moses and William Murphy?

A. At that time.

Q. And no one else?





1 A. There was for a short time a
2 young man.

3 MR. MACKINNON: Did you have a
4 Mr. Goldberg in the office?

5 A. No.

6 Q. Did you have him as a student
7 in 1954?

8 A. Goldberg?

9 Q. That's right.

10 A. What's his first name? I have
11 some relatives by that name.

12 Q. Well, I really can't tell you.

13 A. I don't remember Mr. Goldberg
14 as a student.

15 Q. I will come back to that.

16 THE COMMISSIONER: Q. And for a short
17 time somebody else, you said. How short was
18 the time? Maybe it does not make any
19 difference?

20 A. Seven or eight months; but that
21 may have been before because it was Mr. Murphy
22 who replaced him.

23 THE COMMISSIONER: Do you want to carry
24 that through?

25 MR. MACKINNON: Q. Well --

26 THE COMMISSIONER: Are you satisfied
27 with 1954?

28 MR. MACKINNON: I am satisfied with 1954
29 for the time being.
30



1. The first part of the document is a list of names.

2. The second part is a list of addresses.

3. The third part is a list of dates.

4. The fourth part is a list of times.

5. The fifth part is a list of locations.

6. The sixth part is a list of events.

7. The seventh part is a list of people.

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16. The sixteenth part is a list of committees.

17. The seventeenth part is a list of boards.

18. The eighteenth part is a list of councils.

19. The nineteenth part is a list of commissions.

20. The twentieth part is a list of committees.

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22. The twenty-second part is a list of councils.

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25. The twenty-fifth part is a list of boards.

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29. The twenty-ninth part is a list of boards.

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1 Q. Now incidentally, Mr. Herman,
2 have you been interviewed by Mr. Charles
3 Dubbin recently with regard to these
4 matters?

5 A. No.

6 Q. You have not spoken to him?

7 A. I've seen him. I haven't spoken
8 to him.

9 Q. About your appearance here?

10 A. No. Never.

11 Q. And have you been -- Have you
12 interviewed Mr. Kelso Roberts about the
13 evidence you will be giving?

14 A. No.

15 Q. Either on the telephone or in
16 person?

17 A. None at all.

18 Q. And I am wondering if over the
19 night-time adjournment, would you be prepared
20 to leave these files behind so I might have a
21 look at them?

22 A. No, I will not. They are clients
23 files.

24 Q. Well, you have already produced them
25 and referred to them.

26 A. I have referred to them.

27 THE COMMISSIONER: They are not filed
28 as exhibits.

29 MR. MACKINNON: I would like to refer to
30

[illegible]



1 then since he has mentioned them.

2 THE COMMISSIONER: I suppose you have
3 no objection to his looking at them in your
4 presence?

5 A. Of course I will show them to
6 him.

7 MR. MACKINNON: Q. Now, in 1954 and
8 through to 1957 when you were writing all these
9 letters and interviewing the Attorney General
10 and his Department, did you hold an official
11 position with the Conservative party?

12 A. No.

13 Q. When did you become Metropolitan
14 treasurer of the party?

15 A. In January of this year.

16 Q. Is that the first position you
17 have ever held with the party?

18 A. No. The year before that I was
19 one of the auditors of the Toronto Progressive
20 Association, known as Toronto Central.

21 Q. For one year?

22 A. That's right. I have been an
23 honorary member of the Spadina riding.

24 Q. Mr. Frost referred to you as a
25 "star boarder"?

26 A. In 1931 I was a Provincial
27 candidate in St. Andrew's riding.

28 Q. Were you ever official agent for
29 any candidate?



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A. No.

Q. In any campaign?

A. No.

Q. Did you ever act on behalf of Mr. Roberts in any campaign?

A. No.

Q. Now, you have told us that in 1954 you were retained by Mr. McDermott to act for Gardner's son, is that correct?

A. That's right.

Q. That wasn't your first introduction to the Roseland Club, was it?

A. No, it was all within the same -- As I said before, within the same space of time.

Q. All within the same space of time?

A. That's correct.

Q. It isn't correct. If I may just correct you --

A. When you said that wasn't your first association you are quite right. I was out a month or two on the dates.

Q. I intimated that your introduction to the Roseland Club was by virtue of Gardner's son being charged with some offence, and Gardner wanting a Toronto lawyer to act for him?

A. You will remember I corrected that. I was wrong. In referring to the file



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Q. Now

A. At the time

Q. Now

Q. Did you ever see or hear of

any person in the vicinity

Q. Now

A. Now, you have told me that in

1934 you were residing in the apartment at 100

for Garber's son, is that correct?

A. That's right.

Q. What month did you move there?

A. In the month of May, 1934.

Q. Did you see or hear of any person

at 100 West 10th Street, New York City, at

that

A. I did not see or hear of any person

there at that time.

Q. Is that correct, I mean May?

A. Yes.

Q. When you said that man's name

that apartment was the same name, is that

one a month or two in the past?

A. I cannot say for certain.

Q. Are you sure that you did not see

anyone in the apartment at that time?

A. And Garber wanted a person to look at the

for the

A. You will remember I mentioned

that I was wrong. In reference to the



1 I found my dates were out.

2 Q. Now, I would like to know how
3 it came about you were retained to act for the
4 Roseland Club which preceded in time this
5 Gardner episode?

6 A. I was recommended to Mr. McDermott
7 who recommended Mr. Gardner to me.

8 Q. For what reason? Aren't there
9 any solicitors in Windsor?

10 A. Of course.

11 Q. But what was the -- What specific
12 duties were you going to have in acting for the
13 Roseland Club at this time? It was Unit 327
14 at this time.

15 A. Yes. I wrote to the Commissioner
16 McNeill.

17 Q. With reference to what?

18 A. I was complaining with reference
19 to the actions of the Ontario Provincial
20 Police.

21 Q. You were being retained to write
22 to the Provincial Police and I gather from
23 your letters to the Attorney-General's office to
24 make complaints?

25 A. That's correct.

26 Q. About the interferences? As you put
27 it about the interference with their operations
28 by the police, is that correct?

29 A. Well, that's how you put it. That's
30



1 I found my dates were not.

2 Q. Now, I would like to know how

3 is came about you were retained to act for the

4 Federal Bureau of Investigation in this case?

5 A. I was recommended to the Bureau by

6 the Bureau of Investigation, Chicago, Ill.

7 Q. How long have you been with the Bureau?

8 A. I have been with the Bureau for about

9 10 years.

10 Q. Of course.

11 A. Yes, I have been with the Bureau for

12 about 10 years.

13 Q. Now, you were retained to act for the

14 Bureau of Investigation in this case?

15 A. Yes, I was retained to act for the

16 Bureau of Investigation in this case?

17 Q. Now, you were retained to act for the

18 Bureau of Investigation in this case?

19 A. Yes, I was retained to act for the

20 Bureau of Investigation in this case?

21 Q. Now, you were retained to act for the

22 Bureau of Investigation in this case?

23 A. Yes, I was retained to act for the

24 Bureau of Investigation in this case?

25 Q. Now, you were retained to act for the



1 correct.

2 Q. Well, it appears in your letters
3 that you are complaining about their operations
4 by the police?

5 A. I didn't mean a play on words.
6 You used the word interference.

7 Q. Was any reason given to you
8 at that time as to why you should be selected
9 for this particular task of writing letters of
10 complaint?

11 A. I have never yet asked clients why
12 he retains me.

13 Q. Is it customary for you to get
14 clients from Windsor?

15 A. I have clients from all over the
16 Province and outside the Province as well.

17 Q. Clients who are carrying on business
18 in Windsor?

19 A. I have done work for clients
20 carrying on business in Windsor and live there,
21 in Windsor, yes.

22 Q. Criminal work?

23 A. No, civil work.

24 Q. Did McDermott tell you what his
25 connection with this club was at this time?

26 A. He told me a friend of his named
27 Gardner was interested in a club in Windsor and
28 he suggested me to Mr. Gardner as a solicitor
29 to act for him.
30



1. The first of these is the fact that the Government has been unable to secure the necessary funds to carry out its policy of maintaining the value of the pound at its pre-war level. This has been due to a variety of factors, including the fact that the Government has been unable to secure the necessary foreign exchange to finance its operations.

2. The second of these is the fact that the Government has been unable to secure the necessary funds to carry out its policy of maintaining the value of the pound at its pre-war level. This has been due to a variety of factors, including the fact that the Government has been unable to secure the necessary foreign exchange to finance its operations.

3. The third of these is the fact that the Government has been unable to secure the necessary funds to carry out its policy of maintaining the value of the pound at its pre-war level. This has been due to a variety of factors, including the fact that the Government has been unable to secure the necessary foreign exchange to finance its operations.

4. The fourth of these is the fact that the Government has been unable to secure the necessary funds to carry out its policy of maintaining the value of the pound at its pre-war level. This has been due to a variety of factors, including the fact that the Government has been unable to secure the necessary foreign exchange to finance its operations.

5. The fifth of these is the fact that the Government has been unable to secure the necessary funds to carry out its policy of maintaining the value of the pound at its pre-war level. This has been due to a variety of factors, including the fact that the Government has been unable to secure the necessary foreign exchange to finance its operations.

6. The sixth of these is the fact that the Government has been unable to secure the necessary funds to carry out its policy of maintaining the value of the pound at its pre-war level. This has been due to a variety of factors, including the fact that the Government has been unable to secure the necessary foreign exchange to finance its operations.

7. The seventh of these is the fact that the Government has been unable to secure the necessary funds to carry out its policy of maintaining the value of the pound at its pre-war level. This has been due to a variety of factors, including the fact that the Government has been unable to secure the necessary foreign exchange to finance its operations.

8. The eighth of these is the fact that the Government has been unable to secure the necessary funds to carry out its policy of maintaining the value of the pound at its pre-war level. This has been due to a variety of factors, including the fact that the Government has been unable to secure the necessary foreign exchange to finance its operations.

9. The ninth of these is the fact that the Government has been unable to secure the necessary funds to carry out its policy of maintaining the value of the pound at its pre-war level. This has been due to a variety of factors, including the fact that the Government has been unable to secure the necessary foreign exchange to finance its operations.

10. The tenth of these is the fact that the Government has been unable to secure the necessary funds to carry out its policy of maintaining the value of the pound at its pre-war level. This has been due to a variety of factors, including the fact that the Government has been unable to secure the necessary foreign exchange to finance its operations.



1 Q. Was it suggested to you at that
2 time that they didn't have a solicitor?

3 A. No. On the contrary I was told
4 Mr. James Allen of Windsor had been acting
5 for them.

6 Q. And it was at this time also that
7 you became active in the Centre Road Veterans
8 Club?

9 A. Yes, that's right.

10 Q. For Feeley and McDermott?

11 A. Right.

12 Q. And just to keep the record
13 straight was it only in 1957 that you were first
14 retained with regard to the Frontier Veterans
15 Club in Bertie Township?

16 A. It's the first thing I see in the
17 files. I have no recollection of having acted
18 for them previously.

19 Q. You have never been consulted by
20 Feeley or McDermott in connection with that
21 club prior to the summer of 1957?

22 A. The only other work I have ever
23 done in connection with that club related to
24 some proceeding before the Fire Marshall. I
25 couldn't tell you when that was, but it was about
26 that time.

27 Q. It was about that time?

28 A. Yes.

29 Q. Well --
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[illegible]



THE COMMISSIONER: What time do you
want to adjourn, Mr. Wilson?

MR. WILSON: Quarter to five, Mr.
Commissioner.

(Page 6750 follows)



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1 ---On resuming after Recess.

2 THE WITNESS: Your lordship, Mr MacKinnon
3 asked me about a man named Goldberg. It occurred
4 to me afterwards that there was a man named
5 Garland who was a student and a junior in the
6 office. I thought I should correct that; if
7 Garland is the man. I called it to Mr MacKinnon's
8 attention.

9 THE COMMISSIONER: All right.

10 MR MACKINNON: Q. Just in connection with
11 Carly Gardner's retention of you as a lawyer
12 in dealing with the Roseland Club, he stated
13 in his evidence when I was asking him why
14 he first retained you, he said:

15 "I thought that maybe somebody closer
16 "to the seat of the provincial
17 "administration would be better to
18 "have than a local lawyer".

19 And then later on he said, when I was asking
20 him again for his reasons:

21 "I had heard his name as a member
22 "of Parliament."

23 I take it -- were you ever a Member of the Legis-
24 lature?

25 A. No.

26 Q. And you were never a Member of
27 Parliament?

28 A. No.

29 Q. Did you have some discussion with
30 Mr Gardner as to the fact that you might be



1872-1873

1.2 研究目的及意义

● 2007年1月1日起，企业发生的符合条件的广告费和业务宣传费支出，除按照以前有关规定扣除外，还有以下规定：



1 pretty close to the seat of the provincial
2 administration in this Province?

3 A. No, not at all.

4 Q. That wasn't raised with you when
5 he came to see you, as to what influence you
6 might have?

7 A. The matter of influence was never
8 mentioned.

9 Q. Neither he nor McDermott mentioned
10 it to you?

11 A. No.

12 Q. How did McDermott and Vesley come to
13 you in the first place? I don't think you told
14 us.

15 A. The first matter I ever handled ---
16 You have

17 Q. Hanesman told us what the first
18 matter was?

19 A. I don't know whether they just
20 came in or whether someone recommended me.
21 I don't know.

22 Q. Had you done work for them in a
23 criminal way; I mean by that had you acted as
24 defence counsel for them in any criminal
25 action?

26 A. No.

27 Q. You knew they both had criminal
28 records?

29 A. No, not then.

30 Q. You knew very shortly there-
after?



THE HISTORY OF THE UNITED STATES

OF AMERICA

BY

JOHN F. JOHNSON

OF THE UNIVERSITY OF CHICAGO

CHICAGO

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CHICAGO

THE HISTORY OF THE UNITED STATES



1 A. Some time after, oh yes, I was
2 aware of that.

3 Q. You had no illusions about these
4 gentlemen? We have been advised here that
5 they showed on their income tax returns that
6 they were gamblers.

7 A. Yes; so I understand.

8 Q. I take it you knew they had no
9 other occupations?

10 A. I knew nothing of the sort.

11 Q. Well, they ---

12 A. As a matter of fact, they told
13 me that they had been in business somewhere
14 on Lakeshore Road, in one of these municipal-
15 ities.

16 Q. Oh, they were in business
17 there?

18 A. Yes.

19 Q. But what kind of business did they
20 tell you?

21 A. Yes; something to do with a patent
22 medicine of some kind. I never acted for them
23 in that respect. That was my understanding,
24 sir.

25 Q. Did they have some other lawyer
26 acting for them at that time; did they tell
27 you?

28 A. Mr McDermott at all times had
29 two, three, four, five lawyers acting for
30 him.





1 Q. After you got to know them,
2 and you were pretty active on their behalf in
3 1954 and 1955?

4 A. Yes.

5 Q. I take it by at least 1955 you
6 knew what their occupation was?

7 A. I knew that they liked to gamble.
8 They told me that.

9 Q. And they didn't have any other
10 visible means of support?

11 A. I knew nothing about that.

12 Q. Did they suggest to you even as
13 late as 1955 that they had some other occupation?

14 A. Oh yes; they were always in a
15 number of negotiations with brokers on Bay
16 Street. They were interested in mining propos-
17 itions and finance on Bay Street.

18 Q. Where were they getting their
19 money from?

20 A. I don't know; it was no concern
21 of mine.

22 Q. They didn't have any steady
23 job; that was quite apparent?

24 A. I didn't know.

25 Q. You didn't ask anything about
26 them?

27 A. Oh, in the course of our dis-
28 cussions they mentioned that they were interested
29 in Bay Street and they mentioned names of
30 brokers to me. They told me of this business



...to me. They took me on this journey

in my heart and they mentioned names to

...they mentioned that they were interested in

...in the course of my life

...the other's name

...I don't know

...that it's hard to say

...I don't know if it's a mistake

...I don't know

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1 they had in New Toronto or Port Credit, one of
2 those municipalities; I don't remember which
3 it was.

4 Q Well, let me put this to you,
5 that you certainly knew in September of 1954
6 at least that McDermott was convicted of illegal
7 possession of unregistered firearms; September
8 28th, 1954?

9 A I don't think I knew it then,
10 no.

11 Q Didn't you know it shortly there-
12 after?

13 A I found out. I couldn't tell
14 you now when I found out.

15 Q Well, we will come back to
16 that.

17 A But that had not the slightest
18 relationship at to these matters.

19 Q You think it didn't, the fact they
20 had criminal records, that it would have no
21 relation --

22 A You asked me about Mr McDermott,
23 that he had a firearm.

24 Q Well, that is a criminal offence,
25 isn't it?

26 A Oh, of course.

27 Q Well, as I say, we will come back
28 to the issue of their records in a while.

29 Now, there has been an exhibit filed here,

30 Exhibit 62, which is a letter from Mr Sedgwick



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| ତୃତୀୟ ଅଧ୍ୟାୟ | ୩ |
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| ନବମ ଅଧ୍ୟାୟ | ୯ |
| ଦଶମ ଅଧ୍ୟାୟ | ୧୦ |
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1 complaining about raids on the Alpha Club, and
2 he advises me that it wasn't the clients who
3 approached him, he didn't have any dealings with
4 them; it was through a solicitor. Did you retain
5 Mr Sedgwick?

6 A. No, I never had any contact with
7 Mr Sedgwick relating to this matter.

8 Q. You were not the solicitor
9 who retained him to act on behalf of the
10 Alpha Club in 1954?

11 A. No.

12 Q. Your letter of July 29th, 1954,
13 has already been filed as Exhibit 92, and it is
14 part of this Exhibit 178 now. That is your
15 letter to the Commissioner of Police complain-
16 ing about the unwarranted ---

17 THE COMMISSIONER: What date is that
18 letter?

19 MR. MACKINNON: July 29th, 1954, Mr.
20 Commissioner. It is C, I believe, in the new
21 one, Exhibit 178C. It is Exhibit 92.

22 Q. You forwarded, I believe, copies
23 of this letter to the Attorney-General's office
24 for action as well?

25 A. Well, I turned in my exhibits.
26 If that was the letter I forwarded to the
27 Attorney-General, that is correct. I don't have
28 it now.

29 Q. You say the position has now
30 changed; you say, "The position has now changed



1. The first part of the document is a letter from the President of the United States to the Secretary of the Navy, dated January 1, 1900. The letter is signed by William McKinley and is addressed to John D. Long. The letter discusses the appointment of a new Secretary of the Navy and the importance of the position.

2. The second part of the document is a letter from the Secretary of the Navy to the President, dated January 1, 1900. The letter is signed by John D. Long and is addressed to William McKinley. The letter discusses the appointment of a new Secretary of the Navy and the importance of the position.

3. The third part of the document is a letter from the Secretary of the Navy to the President, dated January 1, 1900. The letter is signed by John D. Long and is addressed to William McKinley. The letter discusses the appointment of a new Secretary of the Navy and the importance of the position.

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1 and we are forwarding copies of the correspondence
2 including this letter to the Attorney-General".

3 A. Then obviously I did.

4 Q. And that was on July 29th, 1954.

5 Then in Exhibit 34, which is Inspector Tomlinson's
6 diary, under date of August 3rd, which would be
7 about three days after your letter would be
8 received by the Attorney-General's office, there
9 is this notation in Inspector Tomlinson's
10 diary, Inspector Tomlinson being the head of
11 the anti-gambling squad at that time?

12 A. Yes, I know the name well.

13 Q. (reading)

14 "Received notice from Mr Common

15 "no more raids by squad at Windsor

16 "until further notice".

17 Now, you got pretty prompt action on your letter,
18 didn't you?

19 A. If that was the result, yes.

20 Q. Now, did you ---

21 THE COMMISSIONER: What date is that?

22 MR. MACKINNON: That is August 3rd, 1954,
23 Mr. Commissioner.

24 Q. Now, besides writing that letter
25 did you speak to someone in the Attorney-
26 General's Department?

27 A. Yes, I had discussions with Mr --
28 in those years -- with Mr Hope and Mr Mayone and
29 Mr. Common.

30 Q. Well, this is only your second



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1 letter, at least the one that is filed here.
2 You had just recently come into the picture,
3 according to your evidence, so you would have
4 attended at their office either with this letter
5 or within a day or so after you sent it?

6 A. If you will let me see the corres-
7 pondence I will be glad to tell you, Mr.
8 MacKinnon.

9 Q. Well, I will let you look at my
10 copy. It is C part of the exhibit. The bottom
11 of the second page states that you were going to
12 give copies to the Attorney-General's Department;
13 right?

14 A. Yes, the copy of this was sent
15 to the Attorney-General's Department.

16 Q. Now, do you remember discussing
17 at that time this complaint orally with the
18 Attorney-General's Department or some member
19 thereof?

20 A. Well, I couldn't tell you within
21 days but at that time, yes.

22 Q. You did.

23 A. Now, whether it was before or after-
24 wards, I don't know.

25 Q. Would that be by way of a telephone
26 call?

27 A. There were telephone calls,
28 yes.

29 Q. Who would you have arrange the
30 appointment for you? Would you arrange ---





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A. By telephone.

Q. Well, you would call the Attorney-General and tell him that you were coming up to see him?

A. No. On one occasion Mr Hope telephoned me and suggested that I come up to see him. I came up to see him and spent some time with him. On another occasion Mr Magone; on another occasion Mr. Common. I couldn't tell you eight years later how the appointment was arranged. I know I received telephone calls.

Q. Then in August of that year, according to a police report which has been given to me, there was a search made on 296 Sherbourne Street on premises allegedly occupied by one Charles Silkstone. Now, do you know who Charles Silkstone is?

A. The name doesn't register with me at all.

Q. Have you never met him, to your knowledge?

A. Well, obviously. I don't know the name.

Q. And that was the occasion when the police discovered a gentleman in Charles Silkstone's room with binoculars observing the movements of Cpl. Shrubbs, and that man's name was Gerard MacLean. Now, does that name strike a bell with you?





1 A. Not at all.

2 Q. Now, may I read you -- this is
3 Sgt. Anderson's report, and a comment ---

4 THE COMMISSIONER: Exhibit what?

5 MR MACKINNON: I don't know whether this
6 was filed as an exhibit. I do not know
7 that, Mr. Commissioner, whether this whole thing
8 was put in as one exhibit.

9 THE COMMISSIONER: Well, if you read it
10 perhaps I can recall. I km cannot keep it all
11 in my head.

12 MR MACKINNON: Well, the comment by
13 Mr. Tomlinson or Staff Inspector Tomlinson
14 at the bottom of the report reads:

15 "The binoculars in question are now
16 "at the office of the anti-gambling
17 "branch under lock and key awaiting
18 "the arrival of the owner to request
19 "the return of his property and sign
20 "an official receipt to that effect.
21 "Mr Goldberg has already applied at the
22 "office for same. The partner in
23 "law with Mr Louis Herman was
24 "informed by Cpl. Anderson to have
25 "the owner call and sign for them same".

26 Now, that Mr Goldberg may be -- what is the name
27 of the other gentleman?

28 A. Which one?

29 Q. Well, the one ---
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[illegible]



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A. There was a Mr Gurland with

me.

Q. Gurland. I see. But this does not strike any responsive chord?

A. Not at all.

(Page 6770 follows)



THE UNIVERSITY OF CHICAGO

CHICAGO, ILL. 60637

DEPARTMENT OF CHEMISTRY

1968-1969

RESEARCH ASSISTANT

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MR. MACLENNAN: And you know nothing about this episode of Corporal Shrubbs being watched by an individual who had a room opposite the police headquarters?

A. Only what I read in the newspapers about it. I certainly had nothing to do with it legally, or in any other way.

Q. Mr. Rose has told me that your brother Carl Herman may have had someone called Goldberg working for him at that time as a partner, do you know?

A. That is the maiden name of his wife, Goldberg.

Q. No, but was there a lawyer Goldberg working there?

A. I don't know whether it was about this time, but his brother-in-law, who is now practising law, was a law student, not with me, with him.

Q. When did your brother get called to the bar, was it 1950, or 1951?

A. No, 1947. I may be out a year.

Q. He practised with you for a while?

A. For a year or two.

Q. And then went out on his own?

A. That is right.



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The following is a list of the names of the persons who have been appointed to the various positions in the Department of the Interior, and who have been sworn in as such.

1. Mr. John A. Smith, Secretary of the Department.

2. Mr. James H. Smith, Assistant Secretary.

3. Mr. John D. Smith, Chief of the Bureau of Land Management.

4. Mr. John E. Smith, Chief of the Bureau of Reclamation.

5. Mr. John F. Smith, Chief of the Bureau of Indian Affairs.

6. Mr. John G. Smith, Chief of the Bureau of Geographical Names.

7. Mr. John I. Smith, Chief of the Bureau of the Census.

8. Mr. John J. Smith, Chief of the Bureau of the Census.

9. Mr. John K. Smith, Chief of the Bureau of the Census.

10. Mr. John L. Smith, Chief of the Bureau of the Census.

11. Mr. John M. Smith, Chief of the Bureau of the Census.

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Q. Now I am ---

THE COMMISSIONER: Called to the bar,
what year did you say?

A. I think it was in 1947, sir.

MR. HASKINSON: Now I am advised
that this Mr. Silkstone is Joseph McDermott's
brother-in-law. Mr. McDermott never mentioned
that name to you?

A. Not to my knowledge.

Q. And never brought him into your
office?

A. No.

Q. Now you wrote a great many
letters in 1954, and what did you say that
you had charged these gentlemen for these
services in 1954? Was it \$200, did I hear that?

A. I think that is right.

Q. Do you keep records of all cash
payments that are made to your firm, or to
you?

A. Oh yes.

Q. And these payments, I gather,
from your evidence, were made in cash?

A. I believe so, now whether
any were by cheque, or not -- the records only
show 'received from'.

Q. Wouldn't your records show
whether it was by cash or cheque? Wouldn't





1 your bookkeeper show that?

2 A. Not in the books. It would
3 appear in the deposit book, when it is deposited
4 in the book, but not the ledger, or the cash
5 book. The ledger or cash book merely show -
6 merely say 'received from so and so' so many
7 dollars.

8 Q. And do you still have your
9 deposit books for those years?

10 A. I don't know.

11 Q. Have you the same bookkeeper
12 that you have had for a number of years?

13 A. No.

14 Q. Would you be prepared to let
15 an auditor from the Commission look at your
16 books in connection with these accounts?

17 A. If the Commission wishes to do
18 it, it is privileged, of course.

19 Q. In connection with Feeley and
20 McDermott, and Gardiner.

21 A. That is the right, certainly.

22 MR. ROSE: Mr. Commissioner, insofar
23 as payments by Feeley and McDermott to this
24 witness, who was acting as their solicitor, I
25 don't know what privilege lies here.

26 MR. MACKINNON: I understood from
27 this witness that it was from the clubs. I
28 understood his books showed them as under a
29 club, is that not correct?



1. The first point to be considered is the nature of the problem. It is a problem of the type which is often encountered in the study of the history of the world. It is a problem which is often encountered in the study of the history of the world.

2. The second point to be considered is the nature of the problem. It is a problem of the type which is often encountered in the study of the history of the world. It is a problem which is often encountered in the study of the history of the world.

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10. The tenth point to be considered is the nature of the problem. It is a problem of the type which is often encountered in the study of the history of the world. It is a problem which is often encountered in the study of the history of the world.



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2 A. Yes.

3 Q. So it would not be Feeley and
4 McDermott directly, it would be the clubs?

5 A. Insofar as the books are
6 concerned, that is correct, yes.

7 Q. Now just in that connection,
8 did you have all these clubs lumped together?

9 THE COMMISSIONER: When?

10 MR. MACKINNON: Well in 1954, did
11 you have those two clubs lumped together?

12 A. Oh yes.

13 Q. Why did you do it that way?

14 A. Well I don't know now -- they
15 are not the only units of the Army, Navy
16 and Airforce for which I acted, and I was
17 getting quite a bit of work from various
18 units from the Army Navy and Airforce, and when
19 I acted for the clubs, the bookkeeper treated
20 them that way.

21 Q. Yes, but are you telling me
22 that quite apart from Unit 326 and 327, you
23 had other clubs lumped in the same account?

24 A. Yes.

25 Q. That Feeley and McDermott had
26 nothing to do with?

27 A. Yes.

28 Q. So you would have to know
29 what the entries meant to be able to isolate
30



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2 than?

3 A. Yes, I acted for the Ulster
4 Unit, for the Markham -- no, not the Markham
5 Unit, but the one north of Swansea - I have
6 forgotten the name; I acted for the Spadina
7 Unit, for the Coronation Unit. I have done
8 a great deal of work for Army, Navy and Airforce
9 Units.

10 Q. And you tell us that that
11 practice continued in your bookkeeping, that
12 you kept these two clubs together, and then when
13 you got the Frontier Club, you lumped it in
14 with the other two, and kept them ---

15 A. Well frankly I have never
16 acted for the Frontier Club - I don't know, but
17 the \$500 fee I got appears under Army Navy
18 and Airforce, and that related to the three of
19 them.

20 Q. Well I will come to that later.
21 Now, I want to read to you from Gardner's
22 evidence. When you were writing these letters
23 in a very factual way, you were ^{not} stating, 'I
24 am advised', or 'that if my advice is correct
25 this is quite improper' -- you were making
26 very absolute statements ---

27 A. I may not have said in every
28 paragraph what my instructions were, but
29 certainly the letters implied, or meant to imply
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1 that these were my instructions.

2 Q. They were being stated as facts.

3 A. I had no right to state them as
4 facts. They were all instructions from the
5 clients; if I did at all state them as facts.

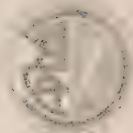
6 Q. Now at page 1722, dealing with
7 this period of time when you were writing
8 letters on behalf of Mr. Gardner, and his
9 friends, Mr. Gardner is asked the question by
10 Mr. Wilson, and he answers:

11 "A. And I have already stated (this
12 is Mr. Gardner) that as we went along
13 " during the course of the years
14 " there was constant alterations.
15 " We never stopped altering from
16 " the day we went in there through
17 " until the day we left.

18 "Q. Now, just briefly describe the
19 " type of alterations that you made
20 " in those premises after you
21 " entered?

22 "A. Bars, bolts, strong doors, blocked
23 " windows, passages to impede
24 " officers -- everything that we
25 " could build in there to protect
26 " ourselves against the onslaught
27 " of the various police forces. "

28 And then I would like to read you this, because
29 I understand you were on the premises - were you
30



1949年10月1日 星期日



1 not? Did you say in 1954, when you went down
2 to defend Gardner's son --

3 Q. Yes.

4 Q. Let me read you this:

5 "Q. Now, what arrangements did you

6 " make to try to protect the club

7 " against this harassment?

8 "A. Well, we built a plywood door

9 " with a bolt that withstood the

10 " battering ram that they brought

11 " in. We spent a lot of money.

12 " We put steel screens or iron

13 " screens, I am not sure of the

14 " quality of the screens but they

15 " were massive and bolted into

16 " the bricks. We put it on every

17 " window in the house. We used

18 " inside men for observation and

19 " we used outside men for obser-

20 " vation. At one time we put

21 " in signals of buttons out in

22 " the field where men could lay

23 " out there and if a police car

24 " came along they could press on

25 " a button and we could take the

26 " game off. All our manoeuvres

27 " there were so intricate and

28 " costly for a small operation

29 " of that kind that we were

30



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1 " continually trying new tactics
2 " to confound the police. "

3 And then he goes on in great detail talking
4 the
5 about/massive door on it, and the bolt that
6 was practically impregnable, and how they got
7 rid of the dice, etc. Now, I take it you
8 now appreciate that one of the tactics they were
9 trying to impede, or confound the police, was
10 your correspondence with the Attorney General's
11 office.

12 A. That is what you say.

13 Q. Well it is quite obvious. Now,
14 we have got Gardner under oath now, saying what
15 he was doing there.

16 A. He doesn't say he was using me
17 to confound the police.

18 Q. He said what he was doing so
19 far as the physical set up of the building was
20 concerned?

21 A. Yes.

22 Q. And quite apart from the physical
23 set up, he was using you, in another way, was
24 he not, to confound the police, to stop their
25 onslaughts?

26 A. You say so, I don't know that.

27 Q. Were you not writing letters to
28 that effect?

29 A. Yes, in accordance with my
30 instructions, certainly.



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1 Q. And they were reasonably successful,
2 weren't they?

3 A. Well not too successful, no, not
4 at all.

5 Q. They were successful on August
6 3rd, in any event?

7 A. But they were not at all
8 successful, because this harassment kept on.
9 There was a conviction, they surrendered their
10 charters, and agreed ---

11 Q. We will come to that.

12 A. You are asking the question.

13 Q. I am talking about 1954. Now,
14 after your letter of July 29th, immediately
15 prior/thereto, there was one, two, three, four,
16 five, six warrants executed in the month of
17 July alone. After your letter, for the next
18 six months -- five months at least, until the
19 end of the year, there were only two warrants
20 executed; so you managed to cut down a certain
21 amount of harassment.

22 A. I hope so. There was a great
23 deal of merit in my submissions.

24 Q. Well now, I was asking you,
25 when you went into this fortress, as Gardner
26 has described it, did you not observe what
27 type of place it was - how it was built - how
28 these safeguards were set up?

29 A. No. I went there because when
30



[Faint, illegible markings]



There was no oil, but



1 the charge of obstructing the police -- there
2 was some incidents that occurred outside the
3 club, relating to some hedges. There was a
4 complaint by one of the accused that some
5 people jumped over a hedge, and there was quite
6 a bit doing, that is where the alleged obstruction
7 of the police took place, outside the premises,
8 so I went there in the first place to see the
9 lay-out, and to find out the case I had to
10 meet, and also get the explanation from my
11 clients. And then I went inside. We had
12 no difficulty in entering. The door was open,
13 and I walked into the living room. I sat there.
14 I noticed the screens on the windows.

15 Q. Did you notice the door, and the
16 bolts on the door?

17 A. No, no.

18 Q. You did not notice that?

19 A. I paid no particular attention
20 to that. I noticed no such thing.

21 Q. You were there once again in
22 1957, with the fire marshal, weren't you?

23 A. If that is the time, yes, I was
24 there with the fire marshal. I don't remember
25 who it was.

26 Q. And you saw the set up of the
27 building at that time?

28 A. Yes.

29 Q. And that was pursuant to the issue
30



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1 of the new Provincial Charters, wasn't it?

2 A. Oh yes.

3 Q. Yes, and at that time that the
4 fire marshal was with you, you must have made
5 fairly close inspection of the premises?

6 A. Yes, we went through it -
7 I have forgotten - the deputy fire marshal
8 and myself, and some others, we went through
9 the premises.

10 Q. Well then at that time at
11 least, did it not strike you that this was
12 rather unusually well fortified for a social
13 club?

14 A. It struck me ---

15 Q. Innocent veterans who were going
16 there for a little friendship?

17 A. It struck me it was well
18 fortified, yes.

19 Q. Knowing by that time what kind
20 of people these were, who were behind this
21 operation, all with gambling records, and
22 convictions, didn't it become apparent to you
23 what type of business they were in, and what
24 this was operating?

25 A. I did not know anything about
26 the type of people they were, or the records,
27 or the convictions. I did not have occasion
28 to go into it with them in Windsor.

29 Q. You knew Carly Gardner. You
30

[illegible]



1 knew you told us he was your client down in
2 Windsor?

3 A. Yes.

4 Q. You met him a number of times?

5 A. Oh yes, and I spoke to him on
6 the telephone.

7 Q. And you say you did not know
8 he had an extensive criminal record?

9 A. No. I knew when he was charged.
10 Later on I found out. I had no occasion to
11 discuss it with him.

12 Q. And Mr. McDermott and Feeley
13 had never mentioned it to you?

14 A. No, nobody had.

15 Q. What was his occupation?

16 A. Whose?

17 Q. Gardner's?

18 A. I don't know.

19 Q. You never asked him?

20 A. No, he told me he had a wife
21 and several children.

22 Q. That is not an occupation?

23 (Outburst of laughter)

24 A. No, no, no. If you want an
25 answer - that he was interested, that he had
26 a home, which he owned, that he was interested
27 in a business in Windsor, and that ---

28 Q. What business?

29 A. And that he was well established,
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1 and ---

2 Q. What business?

3 A. I don't know.

4 Q. He was well established in
5 business, but it wasn't a legitimate business.

6 You say all he told you was he had a business
7 and that is all you knew about it?

8 A. I did not cross-examine him with
9 reference to it, no.

10 Q. It would not be a case of
11 cross-examination. I was just wondering,
12 after having met him a number of times, if that
13 would not come out, in speaking to you?

14 A. I had no occasion to go into
15 it.

16 Q. If you went down there on the
17 two occasions ---

18 A. The only reason I mentioned his
19 family was because he was well established
20 there, and he has his home there, and has been
21 there for many, many years.

22 Q. On the two occasions, prior
23 to the conviction, you went down there; you
24 did see him on the premises in the day time,
25 didn't you?

26 A. Yes, he was there when I came
27 down.

28 Q. He did not have any other
29 occupation?
30

[illegible]



1 A. At the time he was with me he
2 was in no occupation, certainly.

3 Q. So I may take it, from the times
4 you were down there, it was quite apparent to
5 you that he had no other urgent business to
6 have him away from the premises?

7 A. All I said was that he told me
8 he was not engaged in anything else, but
9 talking with me, that is all I know.

10 Q. Then we come to this episode
11 of November 24th, in which your brother
12 appeared as one of the counsel for the accused,
13 and about which episode you subsequently
14 wrote a letter?

15 A. Yes.

16 THE COMMISSIONER: Was your
17 brother associated with you in practice at that
18 time?

19 THE WITNESS: He had not been for
20 some years. As a matter of fact we were not
21 talking to each other at that time.

22 MR. MCKINNON: Well now then, on
23 November 24th, 1954, or shortly thereafter,
24 apparently you were advised about this raid,
25 were you?

26 A. Yes.

27 Q. Who advised you of it?

28 A. Mr. McDermott and Mr. Feeley
29 may have been with him.
30



of the State of New York

in the County of New York

do hereby certify that

the following is a true and correct copy

of the original as the same appears on file

in the office of the Secretary of State

in the City of New York

this 1st day of January 1900

Witness my hand and the Great Seal of the State

at Albany, New York

this 1st day of January 1900

Secretary of State

John B. Alcock

John B. Alcock

John B. Alcock

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1
2 Q. Now what was Mr. McDermott's
3 interest, to your knowledge, in this club?

4 A. Mr. McDermott told me that he
5 liked to gamble, that he had some money, he
6 had considerable money; he enjoyed gambling,
7 and he enjoyed the opportunity of going to
8 this club and gambling, and he always took
9 the position with me that there was no reason
10 for the police harassing them in this club,
11 which he said was a bona fide veterans club,
12 when they permitted other clubs to have
13 gambling on the premises, and of course I knew
14 full well that gambling is legal.

15 Q. Yes, but gaming isn't.

16 A. That is right.

17 Q. And the point is, what financial
18 interest in this club were you alleged to believe
19 McDermott had?

20 A. I was alleged to believe that
21 he had none.

22 Q. I see. A man just interested
23 in gambling, so he was coming in to see you,
24 retaining you, paying you your bills. He wasn't
25 a ~~XXXX~~ member of the executive, was he?

26 A. I don't think so.

27 Q. No, he never had his name appear
28 in the forefront. Didn't that strike you as
29 surprising?
30





1 Q. No. Is the Association of the
2 A. That Feeley and McDermott, the
3 men who were retaining you to act on behalf
4 of this club, wouldn't have their names up there
5 as officers?

6 A. No. I have seen that in many
7 organizations, that the person who has the
8 leisure time, being concerned with the organ-
9 ization, is very often the goat for the other
10 people to take advantage of.

11 Q. They are given a voice though,
12 aren't they?

13 A. Not necessarily, no.

14 Q. Are they also the goat for
15 paying the money, as well as the lawyers fees?

16 A. Well I was never given to
17 understand, nor did I ask him, whether it was
18 his money, or the clubs money. I assumed that
19 the club was paying, or that they would reimburse
20 him. He paid me the fee. I did not ask him
21 where he got the money.

22 Q. He was the one giving you the
23 instructions?

24 A. He was one of them.

25 Q. And paying you?

26 A. He was one of the men who gave
27 me the money. There were two of them, and there
28 were others.

29 Q. And you say that the others were
30



1. The first and most important thing to remember is that the quality of the work is more important than the quantity. It is better to have a few high-quality pieces than a large number of low-quality ones.

2. The second thing to remember is that the work should be done in a timely manner. It is important to meet deadlines and to be able to deliver the work when it is needed.

3. The third thing to remember is that the work should be done in a professional manner. This means that the work should be done in a way that is consistent with the standards of the industry.

4. The fourth thing to remember is that the work should be done in a way that is consistent with the needs of the client. This means that the work should be done in a way that is tailored to the specific requirements of the client.

5. The fifth thing to remember is that the work should be done in a way that is consistent with the values of the organization. This means that the work should be done in a way that is consistent with the organization's mission and vision.

6. The sixth thing to remember is that the work should be done in a way that is consistent with the interests of the community. This means that the work should be done in a way that is consistent with the needs and interests of the community.

7. The seventh thing to remember is that the work should be done in a way that is consistent with the interests of the environment. This means that the work should be done in a way that is consistent with the needs and interests of the environment.

8. The eighth thing to remember is that the work should be done in a way that is consistent with the interests of the future. This means that the work should be done in a way that is consistent with the needs and interests of future generations.

9. The ninth thing to remember is that the work should be done in a way that is consistent with the interests of the world. This means that the work should be done in a way that is consistent with the needs and interests of the entire world.

10. The tenth thing to remember is that the work should be done in a way that is consistent with the interests of all people. This means that the work should be done in a way that is consistent with the needs and interests of all people, regardless of their race, gender, or social status.



1 equally important in the instructions given to
2 you, for the same amount?

3 A. No, I would say they were equally
4 important. They participated in the discussions,
5 and the instructions, but certainly Mr. McDermott
6 and Mr. Feeley gave me many more instructions
7 than the others did.

8 Q. Who else came along? Didn't
9 you ever run into Midgley? Did he come along?

10 A. Now I know the name, I couldn't
11 say definitely, he may have. That name certainly
12 does register with me.

13 Q. Yes, and Jack Riggs?

14 A. Yes, Jackie Riggs, but only
15 with reference to the Jordan Club.

16 Q. And of course John Pleschuok came
17 in; he was listed, as I believe, President, or
18 general manager, on one of the --

19 A. Oh yes, in that application,
20 that is correct.

21 Q. So you would not see him?

22 A. Yes.

23 Q. What about Lafrade?

24 A. Yes, I saw him.

25 Q. Is he familiar to you?

26 A. Yes.

27 THE COMMISSIONER: Did you see him?

28 A. Yes.

29 THE COMMISSIONER: Where, and when?



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1
2 THE WITNESS: Perhaps I -- he was --
3 yes, I am right, he was one of the men.

4 Mr. MACKINNON: What is his first
5 name?

6 A. William Lafrade.

7 Q. I am talking about before 1957.
8 Before July 12th, 1957.

9 A. I beg your pardon?

10 Q. Had you never seen Lafrade before
11 1957?

12 A. Yes.

13 Q. Which Lafrade? Now there are
14 more than one.

15 A. There are two brothers, and to
16 tell you now which one, I had seen both of
17 them.

18 Q. In connection with the Veterans
19 Club?

20 A. Only in connection with the
21 Cookeville one.

22 Q. You had seen them?

23 A. Yes, but to describe between
24 them, I am afraid I could not.

25 Q. And you did see Riggs, did you,
26 prior to July 1957?

27 A. I don't think so.

28 Q. Did you ever see Blustein -
29 Maxie Blustein?
30



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A. On one occasion, yes.

Q. When was that?

A. He came to see me at my office some years ago, and told me that my name had been suggested to him as a lawyer, and he would like me to act for him, and by the way, he did not call himself Blustein, he called himself Baker.

Q. All right.

A. And he would like me to act for him. I asked him what he would want me to do, and he said he was interested in various ventures, that he owned the property at the corner of Spadina and Queen.

Q. Can you tell us the year when this happened?

A. I am afraid not, and the reason I cannot tell you the year was this, that after he spoke to me, I told him I would consider whether or not we could do anything for him, or act for him, and his name -- I had heard his name before, and his character and reputation was not good, and I would not act for him.

Q. Hadn't you heard McCormott and Feeley's name before?

A. No.

Q. Never?

A. Before they came in, never.



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Source: *Journal of the American Statistical Association*, 92(439), 1031-1041.

and the general condition of the country is not

...and the ...

THE UNIVERSITY OF CHICAGO

1. The first step is to identify the problem or question that needs to be answered.

● ●



1 Q. You had heard of them after the
2 next few years?

3 A. Yes.

4 Q. According to Mr. Humphrey they
5 were notorious, and the Vets Club, he says,
6 was known by everyone being a gaming establishment.

7 A. I am afraid I was not included
8 in that 'everyone'.

9 Q. None of these rumours or stories
10 or facts about these men's records got back to
11 you?

12 A. Yes, a number of rumours got
13 back to me, so much so that on one occasion I
14 was very much concerned with whether or not I
15 was being told the truth. On one occasion
16 I was present -- the name of that unit of the
17 Army, Navy and Airforce was Lambton -- on that
18 occasion a Mr. McNameara was there with me at
19 the head table and at that time there had been
20 all these rumours about these things, and I
21 had suggested to Mr. McNameara that we drive
22 out there, out to the Cooksville Club, and
23 just ourselves pay them a surprise visit, and
24 see if what they were saying was true, and
25 Mr. McNameara and I went out there. We were
26 admitted, and when we got there, there were
27 thirty or forty being lectured on aircraft
28 observation. They were men from the Royal
29 Airforce.
30



1. You are not at home at the moment.

2. I am sorry to hear that.

3. Yes, I am.

4. I am sorry to hear that.

5. I am sorry to hear that.

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30. I am sorry to hear that.



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Q. When was this?

A. I couldn't tell you, but I know I was there.

Q. I think it is -- this is George Molanara, is it?

A. No, Jack.

Q. J.P.?

A. Yes.

Q. What is the man who succeeded Pleschuck, as President of this Vets Club, after Pleschuck had been convicted?

A. Yes.

Q. Not exactly an impartial observer would you say?

A. On the contrary, Mr. Molanara is a man of the highest integrity.

Q. Let me read to you ---

THE COMMISSIONER: Well we will adjourn now until tomorrow morning.

--- Whereupon the hearing was adjourned at 5.00 p.m.



IN THE SUPREME COURT OF ONTARIO

FORMER CHEMICALS LIMITED

-V-

POLYMER CORPORATION LIMITED

DAILY TRANSCRIPT
OF PROCEEDINGS

Date:

Pages:



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Volume No.

32

Royal Commission on Crime,

Wednesday June 6/62.

Pages 6791——7015

pp 6791 - 6947 missing



ADDENDUM

ADDENDA

Where the name "Alohu" appears,
read "Aloshuler".

ADDENDUM

| No. | Date | Description |
|--------|------|--|
| 100-1 | 1944 | Letter dated May 14, 1944, to [illegible] re [illegible] |
| 100-2 | 1944 | Letter dated May 14, 1944, to [illegible] re [illegible] |
| 100-3 | 1944 | Letter dated May 14, 1944, to [illegible] re [illegible] |
| 100-4 | 1944 | Letter dated May 14, 1944, to [illegible] re [illegible] |
| 100-5 | 1944 | Letter dated May 14, 1944, to [illegible] re [illegible] |
| 100-6 | 1944 | Letter dated May 14, 1944, to [illegible] re [illegible] |
| 100-7 | 1944 | Letter dated May 14, 1944, to [illegible] re [illegible] |
| 100-8 | 1944 | Letter dated May 14, 1944, to [illegible] re [illegible] |
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| 100-29 | 1944 | Letter dated May 14, 1944, to [illegible] re [illegible] |
| 100-30 | 1944 | Letter dated May 14, 1944, to [illegible] re [illegible] |



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|------------|-------------|---|
| 182 | 6852 | Memo dated Jan. 31, 1958, by J. M. Robinson. |
| 183 | 6870 | Letter dated Oct. 21, 1958, to Superintendent of Insurance, Ottawa, Ontario, from L. Herman. |
| 184-A | 6877 | Letter dated Feb. 3, 1958, addressed to Superintendent of Insurance re Joseph McDermott from James A. Maloney, M.P.P. |
| 184-B | 6877 | Letter dated Feb. 3, 1958, to Superintendent of Insurance re Joseph McDermott from Arthur C. Jolley, M.P.P. |
| 184-C | 6877 | Letter dated Feb. 3, 1958, to Superintendent of Insurance re Vincent B. Feeley, from James A. Maloney, M.P.P. |
| 184-D | 6877 | Letter dated Feb. 3, 1958, to Superintendent of Insurance re Vincent B. Feeley, from Arthur C. Jolley, M.P.P. |
| 185-A | 6881 | Letter dated Mar. 28, 1960, on letterhead of Herman & Moses, to Mr. Urquhart re Simple Finance Co., Limited. |
| 185-B | 6881 | Enclosure to above letter. |
| 186 | 6887 | Two letters and three schedules of filing fees. |



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| 184 | 6892 | Two letters and three schedules of filing fees. |
| 187 | 6892 | Two letters, attached, one dated October 28th, 1958, and one dated November 3, 1958. |
| 184-E | 6911 | Letter dated February 5th, 1958, from Louis Marco to Superintendent of Insurance. |
| 184-F | 6911 | Letter dated February 6th, 1958, from Louis Marco to Superintendent of Insurance. |
| 184-G | 6913 | Letter dated February 7th, 1958, from Ellen & Mayrich to Whom it may Concern. |
| 184-H | 6913 | Letter dated February 7th, 1958, from Imperial Bank to Superintendent of Insurance. |
| 188 | 6920 | Letter dated September 21, 1956, from Louis Herman to Edward Handy. |



THE CHINESE LIBRARY

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VINCENT FEELEY, SWORN

EXAMINED BY MR. WILSON:

Q. Where do you reside?

A. No. 1 Benvenuto Place.

Q. In the city of Toronto?

A. That's right.

Q. How old are you?

A. Thirty-eight.

Q. What has been your occupation over the years, starting -- what schooling did you have?

A. I went to first form of high school.

Q. After that what was your occupation from time to time?

A. Since I was a child; is that what you are referring to?

Q. Since you left school?

THE COMMISSIONER: Q. After you got out of school? Did you finish the first form in high school?

A. No, I did not finish it.

Q. You started the first form and quit when, in the middle of the term?

A. About half-way through the term, yes.

Q. Now then, from then on what have you been doing? That is what Mr Wilson wants to



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THE HISTORY OF THE

REIGN OF KING

1. The first year of the reign of King
2. was a year of peace and prosperity.
3. The king was a wise and just ruler.
4. He was loved by his people.
5. He was a great warrior and conqueror.
6. He was a great statesman and diplomat.
7. He was a great patron of the arts and sciences.
8. He was a great benefactor of the poor and needy.
9. He was a great friend of the church and clergy.
10. He was a great lover of his country and his people.
11. He was a great defender of the faith and the law.
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98. He was a great patron of the poor and needy.
99. He was a great friend of the church and clergy.
100. He was a great lover of his country and his people.



1 know.

2 A. Well, I have worked in various
3 jobs. I have worked in a munitions plant, a
4 job as bar tender in hotels. I guess that's
5 about it, sir.

6 Q. Well ---

7 A. I worked in the smelter in Sudbury,
8 the copper refinery in Sudbury for a time.

9 Q. Have you had any business interests
10 at all since you left school?

11 A. Yes, I had a cigar store in New
12 Toronto.

13 Q. You had a cigar store in New
14 Toronto?

15 A. Yes.

16 Q. At what address and at what
17 time?

18 A. Probably in '40 sometime. I
19 couldn't say for sure.

20 Q. What was the address?

21 A. It was in the eight hundred
22 block somewhere.

23 Q. What was the name of the
24 store?

25 A. Hennessey's Smoke Shop.

26 Q. How long did you have that?

27 A. Possibly a year or longer, maybe
28 two. I would only be guessing.

29 Q. After that did you have any further
30 business interests of any kind?



1944, I had a good time with the boys.

DATE OF BIRTH: 1940-01-01

1. The first group of people who are interested in the study of the history of the United States are the people who are interested in the history of the United States.



1 A. Of what nature? Any particular
2 nature?

3 Q. I suppose ---

4 THE COMMISSIONER: Q. Do you know what is
5 meant by "business interests"?

6 A. Generally?

7 Q. Yes; take it generally to start
8 with and then we can get down to the specifics
9 later.

10 A. No, I don't believe -- I don't
11 believe I had any business interests after
12 that.

13 Q. You will have to speak up. Counsel
14 has to hear you.

15 His answer was he doesn't believe that he
16 had any business interests after that.

17 What is what you said?

18 A. Yes.

19 MR WILSON: Q. If you put money into
20 companies do you call that business interest
21 or how do you define that?

22 A. Yes, I have put money into
23 companies. I don't know what your question
24 means. Is that what you are referring to?

25 Q. I just wanted to know what your
26 understanding of "business interests" was.
27 What companies since 1940 have you put money
28 into?

29 A. Since 1940?

30 THE COMMISSIONER: Q. Listen, Witness;



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THE COURT: Now, what is the question?

Q. I suppose --

THE COURT: All right, what is the question?

THE COURT: Now, what is the question?

THE COURT: Now, what is the question?

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THE COURT: Now, what is the question?

THE COURT: Now, what is the question?



1 we will make far better headway if you do
2 not repeat the questions. If you do not under-
3 stand the question, say so, but do not let
4 us waste time by repeating the questions.
5 Think of the question and answer it and we will
6 make much better headway.

7 A. I will do the best I can.

8 Q. All right.

9 A. Will you repeat the question,
10 please?

11 MR WILSON: Q. No, I will not repeat
12 the question. You heard the question.

13 THE COMMISSIONER: Maybe he has forgotten
14 it while I was talking to him.

15 Mr Reporter, would you read that last
16 question back, please?

17 THE REPORTER: (reading)

18 "Q. I just wanted to know what
19 "your understanding of 'business
20 "interests' was. What companies
21 "since 1940 have you put money
22 "into?"

23 THE WITNESS: A finance company.

24 MR WILSON: Q. The name of it and the
25 amount and the time?

26 THE COMMISSIONER: Mr Wilson, let us
27 get them all first.

28 MR WILSON: All right, we can do that,
29 Mr Commissioner.

30 THE COMMISSIONER: Q. In 1940 you put



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A. I will do the best I can.

Q. All right.

A. Will you repeat the question?

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...the question. You heard the question.

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A. I have stated the facts as they are.

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1 money into what?

2 MR WILSON: This is after 1940, Mr.
3 Commissioner.

4 THE COMMISSIONER: Since 1940?

5 MR WILSON: Yes.

6 THE WITNESS: A mining company, a private
7 company.

8 THE COMMISSIONER: Q. "A private company";
9 what do you mean by that?

10 A. My understanding is that a private
11 company is not a public company. As opposed to
12 a public company.

13 Q. I know but the nature of the
14 private company? What kind of business was
15 it?

16 A. Well, it would be an investment
17 business.

18 Q. Yes?

19 A. That is all I can recall at the
20 present.

21 MR WILSON: Q. Well, maybe I will be able
22 to help your memory a little later. Coming
23 back to the finance company, will you give us
24 the name of it?

25 A. Simple Finance.

26 Q. How much money did you put into
27 that?

28 A. Well, I would say about eighteen
29 or nineteen thousand dollars.

30 Q. What year was that?



1940年 12月 1日

THE UNIVERSITY OF CHICAGO PRESS

1885-1886

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

[illegible]

19

There is still a need for more information.

back to the Finance Company, will you have it



1 A. I would only be guessing now.
2 It may be three or four years ago.

3 Q. Did you get your money back when
4 the company was wound up?

5 A. Yes, sir.

6 Q. What did the mining company that
7 you are talking about —

8 A. ERNO Mines Limited.

9 Q. How much money did you put into
10 that?

11 A. I believe it was in the neighbour-
12 hood of fifteen or sixteen thousand dollars.

13 Q. When did you make that invest-
14 ment?

15 THE COMMISSIONER: Q. How much did you
16 say?

17 MR WILSON: Fifteen or sixteen thousand
18 dollars.

19 Q. When did you make that invest-
20 ment?

21 A. That may be four or five years
22 ago.

23 Q. Is that money still invested in
24 that company?

25 A. The money has been spent.

26 Q. Do you still hold the shares that
27 you got for that investment?

28 A. I do.

29 Q. Now, what is the private invest-
30 ment company that you speak of?



1. The first part of the paper is devoted to the study of the properties of the function $f(x)$ defined by the equation



1 A. A company called White Falcon
2 Investments.

3 MR HACKINSON: White what?

4 MR WILSON: White Falcon.

5 Q. How much money did you invest in
6 that company?

7 A. As a matter of fact, I think there
8 was a few hundred dollars put into a bank account
9 and withdrawn so that my investment is nil.

10 Q. What about Motley ---

11 THE COMMISSIONER: Q. Excuse me. How
12 much did you say you put into it?

13 A. I believe it was a few hundred
14 dollars.

15 Q. What do you mean by a few hundred
16 dollars?

17 A. Well, I am only guessing; it
18 could be four or five hundred.

19 Q. Yes. Could it be more?

20 A. It may be a few hundred more;
21 maybe six or seven hundred. I have just
22 forgotten.

23 Q. Would it be under a thousand
24 dollars?

25 A. I would say at the most a thousand
26 dollars.

27 Q. You say you withdrew it later?

28 A. Yes, sir.

29 MR WILSON: Q. What about Motley Mines
30 Limited?



1990年12月15日

[illegible]

● 1995年12月15日

● 圖書出版



1 A. I am a partner in a company called
2 Motley Mines.

3 Q. Is it still called Motley
4 Mines?

5 A. As far as I know, it is, sir.
6 It was in mind to change it but I don't believe
7 it ever was.

8 Q. How much did you have invested
9 in that company?

10 A. Invested in it? The company
11 has never been used. It is dormant.

12 THE COMMISSIONER: Q. That is not the
13 question. How much money did you invest in
14 it?

15 A. What do you mean?

16 Q. How much did you put into the
17 treasury of the company?

18 A. I just finished explaining. The
19 company is dormant and there is no money in the
20 treasury.

21 Q. There never was?

22 A. There never was.

23 MR WILSON: Q. What about John Feeley
24 Limited; did you invest any money in John Feeley
25 Limited?

26 A. No, sir.

27 Q. Now, what was your net worth at
28 the beginning of 1954?

29 A. I wouldn't know without referring
30 to my tax papers.



V. Taylor

1. I am a resident of the United States

2. I am a resident of the United States

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1 THE COMMISSIONER: Without referring to

2 what?

3 MR WILSON: Q. Well, you ---

4 THE COMMISSIONER: I didn't hear him.

5 Without referring to what?

6 A. My tax papers.

7 MR WILSON: Q. You have them with
8 you?

9 A. What year, sir?

10 THE COMMISSIONER: 1954.

11 MR WILSON: Q. I want to know at the
12 beginning of 1954 what your net assets
13 were?

14 A. At the beginning of 1954?

15 Q. Yes.

16 THE COMMISSIONER: Q. Have you your
17 1953 returns there?

18 A. That is the one I am looking
19 for, sir. In 1954 it was \$3120

20 Q. Thirty-one what?

21 A. Thirty-one hundred and twenty
22 dollars.

23 Q. Let me see that.

24 A. (Document produced to His Lordship
25 by Witness).

26 MR WILSON: Q. I take it ---

27 THE COMMISSIONER: Q. Just a moment,
28 please. Where do you see that?

29 A. Right there (indicating).

30 Q. \$3120?



1 A. Yes.

2 THE COMMISSIONER: He is now looking at
3 his 1953 income tax return.

4 Q. Witness, you are wrong, if you
5 don't mind my saying so. That was your income
6 in 1953. That is not what you were asked.

7 A. Doesn't it show there?

8 Q. I don't know.

9 A. I don't believe it shows
10 here.

11 MR WILSON: Q. We better keep those.
12 We will file these as exhibits. That is 1953
13 return, \$3,120. Just give that to the
14 Registrar.

15 A. All of them?

16 MR ROSE: I am not at all, sure, Mr.
17 Commissioner, that these tax returns are not
18 privileged. They are matters pertaining to this
19 man himself.

20 THE COMMISSIONER: That's right.

21 MR ROSE: They are certainly not some-
22 thing to be made the subject of public comment.
23 If we are going through tax returns here, certainly
24 nobody wants to see them spread over the front
25 pages of the newspapers. This is something
26 between the Department of National Revenue and
27 the taxpayer.

28 THE COMMISSIONER: Let me understand you.
29 Are you taking some objection to this return in
30 his possession now being filed here as an exhibit?



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THE COMMISSIONER: He is now looking at
the first volume of the report.
Q. Will you please turn to page 17?
A. Yes, that is the page I am looking at.
Q. Now, I don't know.
A. I don't believe it shows
anything.
Q. The statement of the Commissioner is that
he will not have any further work to do
regarding the 1910 report, but give them to the
Commissioner.
Q. All right.
A. Yes, I am not at all sure, but
I am sure that the Commissioner is not
interested. That was what I was saying to this
Commissioner.
Q. The Commissioner says that
he will not have any further work to do
regarding the 1910 report, but give them to the
Commissioner. This is mentioned
between the Department of National Revenue and
the Commissioner.
Q. The Commissioner has no objection to
the fact that some of the work is done in
the Department of National Revenue and the



1 MR ROSE: I take, first of all, objection
2 to it being filed as an exhibit and, secondly,
3 if you should rule it should be filed as an
4 exhibit, I take exception to the contents
5 of the various tax returns being made a matter
6 of public knowledge.

7 THE COMMISSIONER: Well, we will get them
8 filed first; then we will see.

9 MR ROSE: You are ruling that they are
10 liable to be filed as exhibits?

11 THE COMMISSIONER: Yes.

12 MR ROSE: Then we will go on to the
13 next question. When my friend, Mr Wilson, is
14 dealing with these matters it will be my
15 respectful submission that a taxpayer's return
16 is strictly a matter between himself and the
17 Department. It is not a matter to be published
18 in the newspapers or to be brought to the
19 attention of the public. I submit that there
20 is privilege insofar as that is concerned, Mr.
21 Commissioner.

22 THE COMMISSIONER: I have heard your
23 submission.

24 MR ROSE: Thank you.

25 THE COMMISSIONER: All right. We will
26 take the first one. That is 1953?

27 MR WILSON: 1953.

28 THE COMMISSIONER: Exhibit ---

29 THE WITNESS: My lord, do I have to give
30 this evidence publicly? I strongly object to having



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to it being filed on my behalf and, accordingly,

it was should also be filed on my

behalf, I am submitting to the Commission

of the various tax returns being made a request

for their review.

THE COMMISSIONER: Will you call out now

what time you will see.

My time, I am not sure, but I will

be able to be filed on my behalf.

THE COMMISSIONER: Will you call out now

what time you will see.

My time, I am not sure, but I will

be able to be filed on my behalf.

THE COMMISSIONER: Will you call out now

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THE COMMISSIONER: Will you call out now

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THE COMMISSIONER:

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THE COMMISSIONER: Will you call out now

what time you will see.

My time, I am not sure, but I will

be able to be filed on my behalf.

THE COMMISSIONER: Will you call out now



1 my financial position published all over the
2 newspapers.

3 THE COMMISSIONER: Q Mr Rose is acting for
4 you, isn't he, here?

5 A. Yes.

6 Q. I understand that. I have ruled
7 against him when he has suggested that those
8 income tax returns should not be filed as
9 exhibits. Now, we will come to the publicity
10 of the matter later. In the meantime I want
11 them filed.

12 A. I object, my lord, on the grounds
13 that my income tax (a) tends to incriminate me
14 and ---

15 Q. You haven't yet asked for the
16 protection of the Evidence Act.

17 MR ROSE: Mr Commissioner, in that
18 regard, now that the witness has mentioned it,
19 I will have certain submissions to make to
20 you, sir. to the net effect that neither
21 the Canada Evidence Act nor the Ontario Evidence
22 Act applies in respect to a hearing before
23 a Commissioner appointed pursuant to an order-
24 in-council under the Public Inquiries Act of
25 Ontario, and that the only protection that
26 exists insofar as a witness is concerned,
27 the protection against self-incrimination, is
28 that which he has at common law, and I am
29 prepared to establish that with authority,
30 that that is the only protection a witness



of financial position published all over the

newspapers.

THE COMMISSIONER: It would be better to

have, too, a few, more

A. Yes.

Q. I understand that, I have

heard that you are a member of the

board of directors of the

company, and that you are

also a member of the

board of directors.

A. I object, my lord, at the present

time of income tax to introduce an

and --

Q. You haven't yet asked the

question of the

company, or the

company, now that the witness has

testified that the

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1 in this hearing has.

2 I am prepared to make those submissions
3 to your lordship now, if you wish. It may take
4 some time. The witness is exercising his common
5 law privilege to refuse to answer questions
6 which might tend to incriminate him.

7 THE COMMISSIONER: Will you just sit
8 down for a moment, Witness?

9 Now is as good a time as any, Mr Rose.
10 I had a little inkling of this before.

11 MR ROSE: I don't think it has been
12 kept a deep, dark secret.

13 THE COMMISSIONER: That perhaps isn't
14 your fault.

15 MR ROSE: From the evidence that has
16 been coming out ---

17 THE COMMISSIONER: What is your
18 proposition?

19 MR ROSE: The proposition is this, firstly,
20 my lord, that in this hearing before you, sir,
21 it is submitted that the provisions of The
22 Canada Evidence Act and The Ontario Evidence
23 Act, insofar as they purport to give a
24 witness protection against self-crimination,
25 do not apply to this hearing and that the
26 only protection against self-crimination that a
27 witness has in this hearing is the protection which
28 he has at common law, which, shortly, is that
29 no man may be compelled to incriminate himself.
30



in this meeting now.

I am prepared to give you a statement

on the situation now in the world. It was said

that first, the situation is becoming very serious

and perhaps we should be making provision

with regard to the situation.

The Committee will be the one

to deal with a moment, I think.

Now in the past a time of such, it seems

to me a little better than the past.

It seems to me that there is a lot

of work to be done.

The Committee will be the one

to deal with.

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of work to be done.

With regard to the situation, what we have

is a situation.

It seems to me that there is a lot

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of work to be done.

It seems to me that there is a lot



1 That being the same protection that is mentioned
2 in Part I, 2 (d) of the Canadian Bill of
3 Rights which came into force on August 10th,
4 1960, which, paraphrasing, in effect states
5 in para. 2:

6 "2. Every law of Canada shall,
7 "unless it is expressly declared
8 "by an Act of the Parliament of
9 "Canada that it shall operate
10 "notwithstanding the Canadian Bill
11 "of Rights, be so construed and applied
12 "as not to abrogate, abridge or
13 "infringe or to authorize the
14 "abrogation, abridgment or infringe-
15 "ment of any of the rights or freedoms
16 "herein recognized and declared and
17 "in particular, no law of Canada
18 "shall be construed or applied so
19 "as to . . ."

20 I go down to sub-paragraph (d):

21 "(d) authorize a court, tribunal,
22 " commission, board or other
23 " authority to compel a person
24 " to give evidence if he is
25 " denied counsel, protection
26 " against self incrimination
27 " or other constitutional
28 " safeguards."

29 THE COMMISSIONER: "Denied protection
30 against self incrimination", is that what it





1 says?

2 MR ROSE: Yes, if he is being denied
3 protection against self incrimination.

4 In regard to this enactment as to the
5 Ontario and the Canada Evidence Act and the various
6 other provincial evidence acts, it has been
7 discussed on numerous occasions. The authorities
8 that I give to you, sir, will be as follows;
9 I may give you the authorities and then I would
10 like to discuss them. It might be a little
11 more helpful if you had them down. The various
12 authorities are as follows: Chambers vs. Jaffray.

13 THE COMMISSIONER: How do you spell
14 "Jaffray"?

15 MR ROSE: J-a-f-f-r-a-y.

16 THE COMMISSIONER: Where is that
17 reported?

18 MR ROSE: (1906), 12 Ontario Law Reports,
19 page 377. Rex vs. Hargrett, 53 Canadian Criminal
20 Cases at page 161. Bank of Nova Scotia vs.
21 McBrien, (1953) Ontario Reports 406.
22 Harrison vs. The King, (1925) 3 Dominion Law
23 Reports 395. Staples vs. Isaac, 74 Canadian
24 Criminal Cases at page 204. Silverberg vs.
25 Levesque, (1951) Quebec King's Bench at page
26 212. Silverberg vs. Caron, (1951) Quebec Supreme
27 Court, page 131.

28 I will deal firstly with the case of
29 Chambers vs. Jaffray, an Ontario case, which is
30



1933

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

Source: U.S. Census Bureau, *Marriage, Divorce, Remarriage in the 1990s*, p. 10.

[illegible]

Since I don't have motivation and any other way I

like to discuss what we agree on a little



1 really the foundation of the cases of Rex vs.
2 Harcourt and The Bank of Nova Scotia vs. McBrien.
3 It was, if I may put it this way, the foundation
4 case in the Province of Ontario on this particular
5 subject.

6 In the case of Chambers vs. Jaffray the
7 facts, shortly, are that a libel action
8 was in progress. At the time of the examination
9 for discovery the defendant refused to answer
10 certain questions on his examination for
11 discovery on the ground that he might criminate
12 himself. The matter then came before Mr Justice
13 Mulock who at that time was the Chief Justice
14 of the Exchequer Division. The question that
15 he had to answer was this: Can the defendant, who
16 was a party of course to the action, be
17 compelled to answer?

18 Mr Justice Mulock had this to say, in
19 short, that the privilege, that is the privilege
20 against self-crimination, under the common
21 law was introduced to Ontario by 32 George III
22 Chapter 1 in regard to property and civil
23 rights and continues unless abolished by legis-
24 lation.

25 Secondly, that by 1 Edward VII Chapter
26 36, —

27 THE COMMISSIONER: Wait a moment. You
28 say that the privilege under the common law
29 was introduced into the statute law of the
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THE COMMISSIONER OF THE GENERAL LAND OFFICE
LONDON

TO THE HONORABLE SECRETARY OF STATE
FOR THE COLONIES

SIR,

I have the honor to acknowledge the receipt of your letter of the 14th inst. in relation to the proposed extension of the franchise in the Colony of New South Wales.

I am, Sir, very respectfully,
Your obedient servant,
J. H. G. [Signature]



1 Province by what Act?

2 MR ROSE: By 32 George III, Chapter
3 1.

4 THE COMMISSIONER: What year was that?

5 MR ROSE: I don't have the year, Mr.
6 Commissioner.

7 THE COMMISSIONER: All right. It doesn't
8 matter.

9 MR ROSE: It was some time ago.

10 THE COMMISSIONER: What chapter?

11 MR ROSE: Chapter 1. It further states
12 that by 1 Edward VII, which would be near the
13 beginning of this century, Chapter 36, that particu-
14 lar statute amended Section 5 of The Canada
15 Evidence Act of 1893 so that if a Provincial
16 Act required a witness to answer, as for
17 example the Ontario Evidence Act, the result was
18 that the answer was not useable against him in a
19 criminal proceeding thereafter. And the Province
20 of Ontario, by the statute of Edward VII,
21 Chapter 10, Section 21, said that he was not
22 excused from answering on the ground of
23 self-crimination but, being compelled to answer,
24 as a result that answer was not useable against
25 him in the trial of any proceeding under any
26 Ontario Act.

27 The conclusion reached by Mr Justice
28 Mulock was this, that the common law privilege
29 was ended in respect to that particular
30 legislation and that this judgment which was



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1 confined to the one abstract proposition that
2 a party to an action is not excused from
3 answering on the ground that his answer may
4 criminate him.

5 At that point the defendant appealed to
6 the Divisional Court, which was composed of
7 Messrs. Justice Meredith, Britten and McGee.
8 Mr Justice Meredith had this to say; that the
9 question was as to the application of Section
10 5 of The Evidence Act, that is The Ontario
11 Evidence Act, now Section 9, as to examinations
12 for discovery, and he said that if it were not
13 for Rule 439, that would be of the Rules of
14 Practice, that if it were not for Rule 439,
15 which is now Rule 326, he would doubt that
16 Section 5 of The Ontario Evidence Act would be
17 applicable.

18 Rule 439, and it has been carried over
19 into the present Rules in the same language,
20 puts a party who is being examined on discovery
21 in the same position as a witness at his trial.
22 Therefore he is not excused from answering on
23 grounds of self-crimination and if he objects
24 he is protected by Section 5, now Section 9,
25 of The Ontario Evidence Act.

26 Now, as I say, the Ontario cases
27 that follow later on were to a large extent,
28 the rest of those cases were based upon the
29 decision in Chambers vs. Jaffray. But I point
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1 out to you, Mr Commissioner, that in the
2 Court of Appeal, the Divisional Court of Ontario,
3 at that time that Mr Justice Meredith doubted if
4 the protection under The Ontario Evidence Act
5 would apply except for the rule putting a person
6 being examined for discovery in exactly the
7 same position as a witness at a trial.

8 Now, then ---

9 THE COMMISSIONER: Just a moment. This
10 is a case in which the witness on an examination
11 for discovery had refused to answer?

12 MR ROSE: Yes, Mr Commissioner. I might
13 show you that Rule 326, Section 1, states that
14 a party to an action whether plaintiff or
15 defendant may, without order, be orally examined
16 before the trial touching the matters in
17 question by any party adverse in interest and
18 may be compelled to attend and testify in the
19 same manner upon the same terms and subject
20 to the same rules of examination as a witness
21 except as hereinafter provided. And that was
22 Rule 439 as it then was.

23 I do point this out, that insofar as
24 the judgment was concerned, of the Divisional
25 Court, Justice Meredith, speaking for it,
26 doubted that the protection under The Ontario
27 Evidence Act would apply if it were not for
28 this Provincial Rule of Procedure.

29 THE COMMISSIONER: Would apply to a party
30 being examined on an examination for discovery?



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1 MR ROSE: Yes. The next case to which I
2 would now direct your attention in support of
3 my submission, and I am sure there will be persons
4 contrary, is the case of Staples vs. Isaacs which
5 I mentioned to you earlier.

6 Now, that was a case in British Columbia
7 and it is reported in 74 Canadian Criminal
8 Cases. In this particular case we are dealing
9 with exactly the same set of facts, a libel
10 action, an examination for discovery, and the
11 party refusing to answer on the grounds of self-
12 crimination. And the judgment of Mr Justice
13 Sloan in the British Columbia Court of Appeal
14 was ---

15 THE COMMISSIONER: He was Chief Justice,
16 wasn't he?

17 MR ROSE: I think it was Chief Justice
18 MacQuarrie at that time.

19 THE COMMISSIONER: Well, it doesn't
20 matter.

21 MR ROSE: In any event, the judgment
22 of Mr Justice Sloan was this; No.1, the alleged
23 libel could be subject to prosecution under
24 the Criminal Code; that is as being a criminal
25 libel. Secondly, that the British Columbia
26 Evidence Act, which is very similar insofar as
27 the protective clauses are concerned to
28 The Ontario Evidence Act, and the protection
29 therein from self-crimination, can apply only
30 to provincial crimes.



DECLASSIFIED AND DECLASSIFICATION AUTHORITY DERIVED FROM:

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...and the



1 Now, I don't think there can be much
2 dispute about that. But, insofar as The
3 Ontario Evidence Act is concerned, the only
4 protection it gives is the protection against
5 civil liability at the instance of the Crown
6 or some other person or protection from prosecution
7 under any Act of the Legislature. That is
8 what is referred to as "Provincial crimes".
9 And that there is no protection in respect to
10 federal crimes.

11 My lord, he states ---

12 THE COMMISSIONER: There is no protection
13 given by the Provincial Act?

14 MR ROSE: By the Provincial Act, yes, sir.
15 He goes on to say that if he is a witness, and
16 I put that in quotation marks, under the Rules,
17 that is the same type of Rule as we have,
18 as a result he then must be regarded as a
19 witness in strict relation to those limited matters
20 to which the British Columbia Evidence Act
21 applies; that is Provincial crimes. Therefore
22 this witness is not compelled to answer
23 because the Provincial Act gives no protection
24 in respect of a prosecution under the Criminal
25 Code. And he states in his judgment that the
26 Legislature never intended compulsion without
27 protection.

28 Now, my lord, I think perhaps I know
29 what your lordship is thinking. Just leaving
30





1 the Canada Evidence Act aside for the moment.
2 Then he goes on to say in respect to The Canada
3 Evidence Act, that even if the Provincial Rules
4 say he is a witness -- now, it didn't say so
5 in that particular case but -- but if the
6 Provincial Rules did say a person being examined
7 for discovery is a witness, "these Rules cannot
8 be invoked to extend the operation of Section
9 5 of The Canada Evidence Act to include a
10 person being examined on discovery".

11 "A witness should be construed . . ." --
12 that is the definition of the word "witness" --
13 ". . . should be construed as in Harrison vs.
14 The King, and when not entitled to protection
15 under the Federal Act he cannot be compelled
16 to answer under the Provincial Act".

17 Then the learned Justice deals with
18 the case of Chambers vs. Jaffray, and he
19 distinguishes Chambers vs. Jaffray on the ground
20 that the Ontario Court did not consider that the
21 protection did not protect under the Criminal
22 Code, and that Mulock, C.J., below seems to
23 have assumed that the terms of a federal statute
24 may be defined for federal purposes by provincial
25 rules of court.

26 Now, subsequently of course the other
27 cases, especially the latest one, Bank of Nova
28 Scotia vs. McBrien, where I believe the
29 proposition was argued by Mr Robinette at
30 that time; it was in respect of an examination

[illegible]



1 for discovery and the rule setting forth
2 what a witness is -- Rule 326.

3 A very interesting case took place
4 in the Province of Quebec in 1951 which deals
5 with the same matter. In that particular
6 case it was a special inquiry under a
7 Provincial Act. During the course of the inquiry
8 the witness refused to answer on the grounds
9 of self-crimination. Accordingly, Mr Justice
10 Caron who had been appointed to sit at the head
11 of that particular inquiry fined the witness
12 \$10 or ten days for contempt of court.

13 THE COMMISSIONER: Under what Provincial
14 Act of the Quebec Legislature was the inquiry
15 authorized?

16 MR ROSE: I think it was under the
17 Municipal Bribery and Corruption Act, Mr.
18 Commissioner.

19 THE COMMISSIONER: Is that 1951 Quebec
20 Kings Bench?

21 MR ROSE: Yes; Silverberg vs. Lovesque.
22 I think it was under the Municipal Bribery and
23 Corruption Act, an Act of that nature, where
24 certain provisions were set forth. And a
25 Judge of the Superior Court was ^{to be} appointed
26 upon a petition by a certain number of people
27 or upon the council of the municipality asking
28 for it, to inquire into the various allegations
29 of bribery and corruption or whatever it should
30 be.

[illegible]



1 As a result of being fined for contempt,
2 that is \$10 or ten days, counsel for the witness
3 went to the Quebec Court of Appeal and he appealed
4 the contempt order. I might say, this, that
5 insofar as the Quebec Court of Appeal, the Quebec
6 Court of King's Bench took the proceeding, they
7 said they had no jurisdiction, in effect
8 that there was no grounds of appeal to that
9 court, but Mr Justice MacDougall in giving his
10 judgment on the matter, and of course pointing
11 out that there was no jurisdiction, stated that,
12 firstly, the statute creating the tribunal
13 is its charter and provides its rules of
14 procedure and the Provincial code of procedure
15 does not apply. That would be equivalent to
16 our Rules.

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2 MR. ROSE (Continuing): He said
3 that the Canada Evidence Act applies only
4 to criminal and civil proceedings in which
5 the Parliament of Canada has jurisdiction,
6 and the only person getting protection is a
7 witness in such proceedings, referring to
8 Section 5, Sub-section 2 of the Canada Evidence
9 Act.

10
11 Thirdly, that a witness giving
12 evidence in proceedings held pursuant to a
13 Provincial Statute gets no protection, other
14 than that afforded by Provincial law. The
15 matter was remitted back to Mr. Justice Caron,
16 sitting as a Commissioner for the special
17 inquiry, and I believe that the counsel for
18 the witness was a well-known Montreal counsel,
19 Mr. Gross, and he then took another attack,
20 and at that time he applied for a Writ of
21 Prohibition, and served a Notice of Motion
22 for Writ of Prohibition against Mr. Justice
23 Caron, sitting as Commissioner, and that
24 matter was dealt with by Mr. Justice Tyndall,
25 who was the Associate Chief Justice of the
26 Province of Quebec, and his remarks are
27 reported in Silverberg Vs. Levesque, 1951
28 Quebec Superior Court.

29 Just to deal with the end of that
30 case; he took the position that in creating



1
2 this tribunal it was not the same as an
3 Inferior Court, so therefore prohibition
4 could only lie against an Inferior Court,
5 and there would, of course, be no juris-
6 diction in the Superior Court in the
7 Province of Quebec to allow prohibition
8 against the Commission, but he is just to
9 see that the Statute creating the inquiry
10 forms part of the administrative and
11 public law of the Province, and that the
12 Code of Civil Law procedure does not apply
13 to the inquiry, except if provisions
14 specifically mention that is a court of
15 procedure or necessarily implies, and the
16 Statute created that the common law applies
17 unless specifically or by necessary
18 implication, abrogated by a Statute, as
19 abrogated by Statute, or by any legal
20 provision applicable in the circumstances.

21 The Canada Evidence Act does
22 not apply to the inquiry because the
23 Statute deals with municipal matters
24 exclusively within the jurisdiction of the
25 Province.

26 He goes on to say that it does
27 not matter whether Article 331 of the Code
28 of Procedure of Quebec, which in effect
29 is that a witness is not bound to answer
30

[illegible]



1
2 questions, if answers would expose him to
3 criminal prosecution. He says Article 331
4 of the same procedure is not mentioned in
5 the Statute nor necessarily implied, it does
6 not apply, but does not matter as witness
7 can rely on the common law, and as to
8 proceedings under Provincial law he is
9 protected by Section 21 of the Statute.
10 His conclusion is that the Statute affords
11 protection on Provincial proceedings only,
12 and Section five of the Canada Evidence
13 Act does not apply, and when common law
14 applies, the witness is legally entitled to
15 refuse to answer.

16 Now I would say this quite frankly,
17 that this would very much depend - in my
18 submission - in respect to what is a witness,
19 and a witness is defined, of course, under
20 Rule 326 under the Consolidated Rules of
21 Practice; a person under examination for
22 discovery is a witness, and as shown under
23 Statute the argument that was against a
24 party being under examination for discovery
25 could not be a witness within the meaning
26 of either the Canada Evidence Act, and the
27 Ontario Evidence Act is this: that a witness,
28 at least a party being examined for discovery
29 is in this position, that his answers cannot
30



The first of these is the fact that the
 evidence is not sufficient to establish
 the guilt of the accused. The second
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2 be used for him at a trial, it is only
3 admissions obtained by compulsion that can
4 be used against him, and that he is therefore -
5 the argument was that he is therefore not
6 a witness as contemplated by either the
7 Federal or the Provincial Evidence Act, and
8 Mr. Justice Sloan when he dealt with that
9 Staples and Isaac - and that mentioned
10 Harrison Vs. The King.

11 THE COMMISSIONER: I would like a
12 ten minute recess.

13
14 --- Recess.

15 --- Upon resuming.

16 THE COMMISSIONER: Yes?

17 MR. ROSE: I shall be less than
18 four minutes, Mr. Commissioner. I was
19 mentioning the case of Harrison Vs. The King
20 in that particular case. This was another
21 civil action, where the defendant refused
22 to answer because of self-incrimination, in
23 an examination for discovery, and the argu-
24 ment that was made was that the Canada
25 Evidence Act, and the Alberta Evidence Act,
26 which provides provisions - protective
27 provisions are the same as the Ontario
28 Evidence Act - the argument was that those
29 two acts do not apply to examination for
30



The first of these is the fact that the
 government has been unable to raise the
 necessary funds to meet its obligations.
 This is due to a number of factors,
 including the fact that the government
 has been unable to raise the necessary
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 factors, including the fact that the
 government has been unable to raise the
 necessary funds to meet its obligations.



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2 discovery, only to evidence given in tort,
3 and Chief Justice Harvey, of the Court, held
4 with the decision -- he discusses the case
5 of Chambers Vs. Jeffrey, and quotes Mr.
6 Justice Meredith as being doubtful in that
7 particular case, except for the provisions
8 of Rule 439. Subsequently this decision --
9 only that 'what is a witness', and it goes
10 on to say that there is no such rule in
11 Alberta that is similar to our present rule
12 326, and the person is not a witness, because
13 his evidence cannot be used in evidence by
14 himself at trial until an admission obtained
15 by compulsion, so therefore he is not a
16 witness within the provisions of either the
17 Canada or Imperial Evidence Act.

18 Subsequently, I might point out, that
19 in Alberta the rules were then changed, so that
20 a definition of a witness included a person
21 being examined on discovery.

22 Now I have this to say, that in
23 respect to this present Commission, which
24 was created under the Public Inquiries Act
25 of Ontario, that Section 1 of the Public
26 Inquiries Act ---

27 THE COMMISSIONER: Just a moment,
28 please. Yes?

29 MR. ROSE: That Section 1 of the
30





1
2 Public Inquiries Act in brief gives the
3 Lieutenant Governor in Council, who may,
4 by commission, confer the power of requiring
5 any person to give evidence on oath. By the
6 provision of the Order in Council of the
7 11th December, of 1961, and subsequently the
8 appointment of yourself, sir, as the Comm-
9 issioner, under the Act, you were given the
10 power to summons any person, and requiring
11 him to give evidence on oath.

12 Section 2 of the Public Inquiries
13 Act states in short that:

14 " A commissioner has the same
15 " power to enforce the attendance
16 " of witnesses and to compel them
17 " to give evidence and produce
18 " documents and things as is
19 " vested in any court in civil
20 " cases. "

21
22 My submission is, that Section 2
23 of the Public Inquiries Act is merely a
24 conferring of power, and is not an infinitive
25 section stating what a witness is, or
26 defining the word 'witness' insofar as it
27 appears in either the Ontario Evidence Act,
28 or the Canada Evidence Act.

29 In brief, my submission then would
30



The first of these is the fact that the
 Government has been unable to secure
 the necessary funds to carry out its
 policy of non-interference in the
 internal affairs of the country.
 The second is the fact that the
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 The ninth is the fact that the
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 internal affairs of the country.
 The tenth is the fact that the
 Government has been unable to secure
 the necessary funds to carry out its
 policy of non-interference in the
 internal affairs of the country.



V. Feeley

1
2 be that a person appearing as one of those
3 persons, who is known as any person required
4 to appear here, to give evidence, in the
5 absence of a definition in the Public
6 Inquiries Act, or a definition by any
7 other Provincial Statute, stating that he
8 is in the same position as a witness at
9 the trial of a civil action, is only in fact
10 the type of witness, or type of person
11 contemplated in the decision of *Harrison*
12 *vs. King*, insofar as that in respect to
13 any subsequent proceeding, the evidence
14 that he gives for him would not be
15 evidence at that proceeding, only admissions
16 obtained from him by compelling him to answer
17 and that therefore the provisions of the
18 Canada Evidence Act, and the Ontario
19 Evidence Act, the protective provisions
20 do not apply in this hearing, that insofar
21 as the ancient and sacrosanct maxim of
22 common law is concerned, that no man can
23 be compelled to incriminate himself as re-
24 stated in Section 24 of the Canadian Bill
25 of Rights, is the only protection available
26 to a person giving evidence before this
27 hearing. And, therefore, a witness is
28 entitled, or a person giving evidence --
29 I don't want to call him -- he may be a
30

[illegible]



1
2 witness at this time - at this hearing - but
3 a person giving evidence is therefore
4 entitled to rely upon both the Canadian
5 Bill of Rights, re-stating common law
6 right to protection against self-incrimin-
7 ation.

8 The result of that would be, I
9 respectfully suggest, would be - is this -
10 that if a person says 'I object to answer
11 that on the grounds that the answer might
12 tend to incriminate me' that he is not
13 then obliged to answer whatsoever, except
14 for one qualification -- the qualification
15 being that the presiding - or the officer
16 in charge of the tribunal - in this case
17 yourself, sir, would then have the right to
18 consider whether the answer that he might
19 give might tend to incriminate him.

20 For instance, - if I might give
21 this example: if a witness is asked his
22 -- or his name is John Brown -- or for instance,
23 "What is your name?", then surely he could
24 not say, and object to answer that on the
25 grounds that it might tend to incriminate
26 him, and the presiding officer could direct
27 him to answer, because there is no
28 possibility whatsoever that it could
29 incriminate him. However, if a person
30

[illegible]



1
2 giving evidence here at this inquiry, should
3 be asked 'Did you, on such and such a date,
4 offer one thousand dollars a week bribe to
5 Mister So-and-So, a Provincial Police Officer',
6 then I think it would be easy if he refuses,
7 and objects to answering that question on the
8 ground that it would tend to be self-incrimin-
9 ating.

10 Then I think it is quite obvious,
11 therefore, that if his answer should be
12 'Yes', certainly he has incriminated himself,
13 and that is my submission, that the decision
14 be in the presiding officer's hands as to
15 whether or not the answer might tend to
16 incriminate him.

17 Those are my submissions.

18 THE COMMISSIONER: Let me engage
19 you in just a bit of discussion on the
20 question of this. I have not got the
21 case before me, and I have to trust to my
22 appreciation of what they contain, as to
23 the facts of what you have submitted during
24 the course of your argument, but my present
25 understanding is, and you correct me if
26 I am wrong, that in Chambers and Jaffrey,
27 which was an Ontario case, and the case
28 in British Columbia was that of Staples
29 and Isaacs?

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MR. ROSE: Yes, sir.

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THE COMMISSIONER: Both were concerned with the position of a person who was being examined for discovery in a civil action, and the next point in both those cases was whether or not that person was a witness within the meaning of the word 'witness', either in the Canada Evidence Act, or in the Provincial Statute. Now am I right so far?

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MR. ROSE: The Divisional Court did not deal with the Canada Evidence Act in the Chambers and Jaffrey -- we would be on common ground, the next point being in both cases the operation of the Provincial Evidence Act was in question, and then on that particular point, that is a witness on examination for discovery, or a party giving evidence on examination for discovery -- you are quite correct, there, sir.

23

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THE COMMISSIONER: Then I will limit it to that. The next question in each of those cases then was whether the person being examined for discovery came within the category of a witness, within the meaning of the Provincial Act, and in Chambers and Jaffrey, when it got to the Divisional Court, Meredith J., said he



THE COURT: Now, then, I will
ask it to state. The next question in
fact of these cases was whether the
person being examined was discovered
within the territory of a disease, which
the finding of the provincial act, and
in Ontario and Jersey, when it is to be
in Ontario and Jersey, when it is to be



1
2 would have doubted whether that person
3 was a witness within the meaning of the word
4 in the Ontario Act - in the Ontario Evidence
5 Act, were it not for the rule which was then
6 in existence, and you gave me the number of
7 it - and I have forgotten what it was -- therefore,
8 it would seem to be at the moment, Mr. Rose,
9 that those two cases could have no application
10 here, because a person appearing here, is
11 either a witness, or he is not a witness.

12 MR. ROSE: Under?

13 THE COMMISSIONER: Under the Ontario
14 Act, and under the Canada Evidence Act too.

15 MR. ROSE: Yes, sir.

16 THE COMMISSIONER: Well then, do
17 you agree that we can, for the purpose of
18 clarifying the legal position of a person
19 appearing here -- put aside the decision in
20 Chambers and Jaffrey, and Staples and
21 Insacc.

22 MR. ROSE: With the one exception,
23 we are dealing with the Provincial Evidence
24 Act, or ---

25 THE COMMISSIONER: Both.

26 MR. ROSE: Well I would put aside
27 both those, Chambers and Jaffrey -- I am saying
28 this quickly - I may have caused regrets saying
29 that, but at the moment ---
30



The first of these is the fact that the
 Government has not yet decided whether
 it will accept the offer of the
 United States to purchase the
 Alaska Pipeline. This is a
 very important question, and
 one which will have a
 great effect on the
 future of the
 country.



1
2 THE COMMISSIONER: I am only
3 engaging in a discussion to clarify it in
4 my mind, and I hope, clarifying it in
5 yours.

6 MR. ROBE: I would be prepared,
7 for the sake of this discussion, to put aside
8 Chambers and Jeffrey, and Staples and Issacs,
9 except insofar as Staples and Issacs defining --
10 a witness under the Canada Evidence Act says
11 that a witness should be defined as in
12 Harrison Vs. The King.

13 THE COMMISSIONER: I am not sure
14 that I can grasp what you have just this
15 moment said.

16 MR. ROBE: Under the Canada
17 Evidence Act - in Staples and Issacs, in
18 respect to the Canada Evidence Act, even if
19 the Provincial rules say he is a witness, ~~ix~~
20 these rules cannot be invoked to extend the
21 operation of Section 5 of the Canada Evidence
22 Act, to include a person being examined for
23 discovery. The word 'witness' should be
24 construed as in Harrison Vs. The King, because
25 when he is not entitled to protection under
26 the Federal Act, he cannot be compelled to
27 answer under the Provincial Act, and in
28 Harrison Vs. The King, it says that a witness
29 is not a witness within the Canada Evidence
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My dear Mr. ...

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2 Act, or the Alberta Evidence Act, if his
3 evidence cannot be used in evidence by himself
4 at his trial - only the admissions obtained
5 against him. You see, the Staples and
6 Isaac say ---

7 THE COMMISSIONER: Excuse me for
8 a moment. The person there affected was a
9 person who was being examined for discovery.

10 MR. ROSE: I beg your pardon?

11 THE COMMISSIONER: He was a party
12 to the action.

13 MR. ROSE: Yes.

14 THE COMMISSIONER: But not giving
15 evidence in the action.

16 MR. ROSE: No, sir.

17 THE COMMISSIONER: And the evidence
18 that he might give on his examination for
19 discovery was compellable evidence, that is
20 the ratio of the decision.

21 MR. ROSE: In Ontario it is the
22 Ontario decision in Chambers and Jeffrey.

23 THE COMMISSIONER: Well, if the
24 Provincial Statutes are similar, it would
25 apply in both provinces.

26 MR. ROSE: No, he was compellable
27 in Ontario, because a rule in Ontario made
28 him a witness. He was not compellable in
29 Alberta.
30

[illegible]



1
2 THE COMMISSIONER: All right then,
3 he was compellable in British Columbia, and
4 he was compellable in Ontario by virtue of
5 the rules.

6 MR. ROSE: Yes, sir.

7 THE COMMISSIONER: So in the one
8 instance he was compellable, under the Statute
9 in one hand, and under the rules ---

10 MR. ROSE: He was not compellable
11 in British Columbia, sir.

12 THE COMMISSIONER: I thought you
13 just said he was.

14 MR. ROSE: No, sir, he was not
15 compellable. He is not compellable -- he
16 is not compelled, because the protection
17 therein from self-incrimination can only
18 apply to Provincial agreement, and he had
19 no protection against Federal agreement, and
20 where there is no protection, there is no
21 compulsion, so they say he is not a witness
22 in British Columbia, and he cannot be compelled
23 by either Act, the B.C., or the Canada
24 Evidence Act -- under the B.C. Evidence Act,
25 because for this reason he is not protected
26 against the subsequent prosecution under a
27 Federal enactment, so he is not protected;
28 he does not get any protection under the
29 B.C. Act - no protection - no compulsion -
30



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2 then he is not protected under the Canada
3 Evidence Act, because he is not a witness
4 within the meaning of the Canada Evidence
5 Act. What he says can only be used against
6 him, and not for, or in subsequent proceed-
7 ings that would be the ratio of the case of
8 Staples and Isaac.

9
10
11 (Page 7000 follows)



There is a very strong possibility that the
Hudson's Bay Company is not a business
concern but a company of the Crown. It is
not clear what the company can do to help
the people of the North. It is not clear
what the company would be the basis of the
Hudson's Bay Company.

THEY ARE THE PEOPLE



EE/NG

V. Feeley

7000

1
2 Sir, I might say, if it is of any
3 benefit, that the Associate Chief Justice of
4 Quebec, I believe -- there was a statement in
5 his case that he found this a most complex
6 and complicated matter.

7 Having regard to the Enquiry, I
8 might say I have found it that way. Also,
9 if it would be of any assistance, I --

10 THE COMMISSIONER: Just a moment.

11 MR. ROSE: I would be prepared to
12 submit a written memorandum.

13 THE COMMISSIONER: No, I do not
14 think that will be necessary. If we take
15 time enough, I think I can get it, so to
16 speak, on the wing.

17 MR. ROSE: I don't want to see
18 anybody shot over this.

19 THE COMMISSIONER: Section 9 of
20 The Ontario Evidence Act provides in terms
21 that a witness shall not be excused from
22 answering -- I will have to ask another five-
23 minute adjournment. I got a long distance
24 call.

25
26 -- Short recess at 4:37 p.m.

27 -- On resuming at 4:47 p.m.

28 THE COMMISSIONER: Your proposition,
29 Mr. Rose, that a person require to attend here
30



Q.

A.

Q. Now, I am going to ask you a question.

A. Yes, I am going to answer it.

Q. Now, I am going to ask you a question.

A. Yes, I am going to answer it.

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A. Yes, I am going to answer it.

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V. Feeley

7001

here by the Ontario Act --

MR. ROSE: By the Ontario Public Enquiries Act?

THE COMMISSIONER: Yes.

MR. ROSE: Yes.

THE COMMISSIONER: -- is not a witness within the Ontario Evidence Act.

MR. ROSE: Yes, sir. Nor is he a witness within the Canada Evidence Act because, I submit, both the Canada and the Ontario Evidence Act, when they mention the word "witness", contemplate a witness is a proceeding which is a contest between parties which would almost seem to be the same thing as HARCOURT VS THE KING.

THE COMMISSIONER: I think I could not agree with you on that. A witness under The Public Enquiries Act is a person who is there by being required to attend to give evidence, in this instance, on this Enquiry, and is, therefor, covered by The Ontario Evidence Act, referring to "witness", and that surely must be so by reason of Section 1 of The Public Enquiries Act.

MR. ROSE: Section 1 mentions any person. It is a power to require any person --





V. Feeley

7002

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2 THE COMMISSIONER: The power to
3 summon any person and require him to give
4 evidence on oath.

5 MR. ROSE: Yes, sir.

6 THE COMMISSIONER: If I should,
7 in my position as Commissioner, summon some
8 person, as I have this particular witness,
9 and require him to give evidence on oath,
10 then is he not a witness within the meaning
11 of both The Public Enquiries Act -- is he
12 not then a witness within the meaning of
13 The Ontario Evidence Act?

14 MR. ROSE: My submission is no,
15 sir.

16 THE COMMISSIONER: Then I do
17 not quite follow what you say.

18 MR. ROSE: Mr. Justice Meredith
19 himself said this. A person may be summoned
20 to give evidence in front of a Special
21 Examiner -- ~~xxxxxx~~ in respect to an Examina-
22 tion for Discovery, may be summoned to give
23 evidence, and the same thing as there is
24 here, if it were not for the fact that, by
25 the rules, he was created or put in the
26 same position as a witness at trial.

27 Mr. Justice Meredith doubts that
28 that Section of The Ontario Evidence Act
29 would apply and that is -- maybe it is not
30

[illegible]



1 too close an analogy, but I think it is
2 fairly close in respect to the illustration
3 you have mentioned that where a person can
4 be brought before somebody and made to take
5 an oath and to give evidence, that does not
6 necessarily mean he is a witness within the
7 definition of The Ontario Evidence Act or
8 the Canada Evidence Act.

9
10 And that is what Mr. Justice
11 Meredith said in CHAMBERS & JAFFREY. If
12 that is the rule, he would doubt. And that
13 is what MARCOURT VS THE KING and also
14 another case for which I don't have the
15 citation, WEBSTER VS SOLWAY MILLS, says,
16 that where that person's evidence is such
17 that what he says cannot be used for him
18 subsequently, but may be only used against
19 him, he is not then a witness as contem-
20 plated by The Ontario Evidence Act or the
21 Canada Evidence Act.

22 THE COMMISSIONER: If your
23 argument is sound, how do you get rid of
24 Section 2 of The Public Enquiries Act?

25 MR. ROSE: I think Section 2
26 of The Public Enquiries Act is merely a
27 section giving power. It is not a definitive
28 section setting forth what a witness is.

29 May I put it this way? Just
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2 shortening this up, a Commissioner has the
3 same power to compel a witness to give
4 evidence as is vested in any court in civil
5 cases.

6 Just without dealing with that
7 any further, let us go down and see what
8 power does a court have in civil cases.
9 Mr. Justice Meredith says that in civil
10 cases, there is no power to compel him and
11 give him the protection of The Ontario Evid-
12 ence Act. If he is not the type of witness
13 as defined in HARRISON VS THE KING, his
14 answers can only be used against him and not
15 for him. And if it were not for Rule 429,
16 as it then was, now 326, he would doubt
17 very much that Section 5 of The Ontario
18 Evidence Act as it then was, now Section 9,
19 would apply.

20 That is exactly what Mr. Justice
21 Sloane said in the case of STAPLES VS ISAACS
22 where there was no such rule in British
23 Columbia and their Act, in effect, was the
24 same, the first sub-section. No person
25 shall be excused from answering on the
26 grounds of self-incrimination, establishing
27 civil liability. Surely a prosecution under
28 a criminal act, despite the fact that the
29 British Columbia Evidence Act says --
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any further, let us go down and see what
power does a court have in civil cases.
Mr. Justice said that in civil
cases, there is no power to compel him and
give him the protection of the American law-
suits. If he is not the type of witness
as defined in the American law, then
answers can only be made against him and not
for him. And if he is not for him, then
he is not a witness and he is not a witness
any more than he is a witness.
Evidence was taken as to then was, was it not?
would reply.
There is a very strong case, Justice
said in the case of Chapman v. United States
where there was no such rule in England,
Columbia and Justice said, in effect, was it
said, the first sub-section. He then
shall be returned from answering on the
grounds of anti-foreignism, anti-foreignism
and anti-foreignism.
I think not, Justice said that was the
British Columbia evidence for days --



V. Feeley

7005

THE COMMISSIONER: The reporter does not have to take all this down.

MR. ROSE: Surely it was not the intention of the Legislature to abrogate the right to protection and when there is no protection, there is no compulsion.

That is why I say, sir, that Section 2 of the Public Enquiries Act is merely a section giving power.

In the absence of some rule under The Public Enquiries Act or definition, and there is none, a statement or any interpretation act, and I can find none, or any other act saying a person appearing to give evidence under The Public Enquiries Act is in the same position as a witness at trial or a witness as contemplated by The Ontario or The Canada Evidence Act, then he is not such a witness and the only protection that the person has is the Common Law protection because the Common Law which has been abrogated and cut down by the various Evidence Acts -- if they have no application, he is forced by Common Law and that is the only protection he has.

In the Levecque case that I read, that court was going very very far because they even established the proposition

[illegible]



V. Feeley

7006

that in respect to Provincial matters, the Canada Evidence Act does not apply at all.

Then we are back to the same situation as we had in STAPLES & ISSACS, the same situation that if there is no compulsion without protection and if the Canada Evidence Act, on the basis/^{of} the Levecque case does not apply, certainly the Provincial Evidence Act does not apply. I say quite frankly, there is no precedent, I submit, except for the Levecque case which was a special enquiry under a Provincial Statute the same as this particular Enquiry -- that is, under the chapter dealing with municipal corruption and bribery -- with the exception of that one case of Levecque, I can find no similar precedent as to this particular submission.

THE COMMISSIONER: Yes. Is that all?

MR. ROSE: That is all, sir.

THE COMMISSIONER: I am not impressed by the argument, Mr. Rose.

In my view, this particular person, like all the other persons who have been summoned, is a witness as contemplated by The Public Enquiries Act, and by that Act, the Commissioner has the power to



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V. Feeley

7007

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2 enforce the attendance of those persons and
3 to compel them to give evidence and pro-
4 duce documents and things as is vested in
5 any court in civil cases. That is Section 2
6 of The Public Inquiries Act.

7 Then turning next to the Ontario
8 Evidence Act that supplements, if you like,
9 the provisions of Section 2 of The Public
10 Inquiries Act and contains the provision
11 putting the witness in the position where
12 he is compelled to answer. Now, that
13 being my view, what position do you take?

14 MR. ROSE: I take this position,
15 and believe me, sir, this is not for the
16 purpose of obstruction or anything else.
17 It would seem to me, there is, in my
18 respectful opinion, a very serious point
19 involved here and one that is arguable
20 because if I should -- let me put it this
21 way. If you, sir, if your ruling is wrong --
22 let us suppose a situation. This whole
23 Commission is over, the Enquiry is finished,
24 you have delivered a report, and then one
25 day some Crown Attorney or Crown Counsel or
26 somebody else decided "I think we will go
27 ahead and lay about 37 charges against
28 Mr. Feeley" and Mr. Feeley stands up, his
29 face is bright and hopeful and he says,
30 "Anything I said there cannot be used against



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V. Feeley 7008

1
2 me because I was protected and was told so
3 by the Commissioner. I was protected under
4 The Ontario and the Canada Evidence Act",
5 and at that time that matter is adjudicated
6 upon and it turns out that he was not so
7 protected, then we find that Mr. Feeley is
8 in a very difficult position.

9 THE COMMISSIONER: That is right.

10 MR. ROSE: A very difficult
11 position, a position which could conceivably --
12 assuming this hypothetical state of facts --
13 which could conceivably lead to very dire
14 consequences and results.

15 THE COMMISSIONER: That is right.

16 MR. ROSE: Now, I feel that
17 there is some merit in the argument which
18 I have made. I certainly am not going to
19 say I dreamed this argument up myself.
20 I am relying on judgments which I consider
21 proper among experienced judges and Chief
22 Justices.

23 And I am particularly concerned
24 with the Levesque case in Quebec because
25 it has a far-reaching effect, if it is
26 right, very far-reaching, and I think the
27 matter so important ^{that} ~~xxxx~~ the possible
28 results, as I mentioned to you, are so
29 dire, that I would respectfully ask you to
30





V. Feeley

7009

1
2 state a case to the Ontario Court of Appeal
3 on the basis that I am questioning the
4 validity of your ruling and decision in
5 this matter.

6 THE COMMISSIONER: Thank you.

7 MR. ROSE: My application for a
8 stated case is the same as made previously
9 under Section 5 of The Public Enquiries Act.

10 THE COMMISSIONER: You simply
11 ask the opinion of the Court as to whether
12 or not persons summoned by me under The
13 Public Enquiries Act are compellable to
14 give evidence, even though that evidence
15 may tend to incriminate them?

16 MR. ROSE: The question I
17 would ask, which I think is probably just
18 about the same, is this:

19 "Is a person duly summoned to
20 "testify before the Commissioner
21 "a 'witness' under the
22 "relevant provisions of the
23 "Evidence Act, R.S.O. 1960,
24 "Chapter 119, and the Canada
25 "Evidence Act, R.S.C. 1952,
26 "Chapter 307, so that the
27 "aforesaid Acts, in so far as
28 "they purport to give protec-
29 "tion against self-crimination
30





V. Feeley

7010

"apply, or, on the contrary, do
"they not apply so that the
"person giving evidence is en-
"titled to exercise his common
"law privilege of refusing to
"answer a question on the ground
"that it may tend to criminate
"him, as in the maxim nemo tenetur
"prodere seipsum."

THE COMMISSIONER: That is much
too long. I think I can condense that into
about three lines.

MR. ROSE: I don't want to lose
anything in the condensation.

THE COMMISSIONER: You will not
lose anything in the condensation. The neat
clear question arising out of your submission
is this:

" Is the person summoned
"by me pursuant to my power
"under The Public Enquiries
"Act compelled to answer questions,
"notwithstanding that his
"answer may tend to incriminate
"him?"

And when you get to The Court of Appeal --

MR. ROSE: I wonder -- you don't



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V. Feeley

7011

1 have that writeen down, do you?

2 THE COMMISSIONER: No, but it
3 would not take me long to write it down.
4

5 MR. ROSE: I wonder if the
6 Court Reporter might read that back?

7 THE COMMISSIONER: Would you just
8 read what I suggested be the proper wording
9 in a case, if and when I state it?

10 -- Court Reporter read back as follows:

11 " Is the person summoned
12 "by me pursuant to my power
13 "under The Public Enquiries
14 "Act compelled to answer questions,
15 "notwithstanding that his
16 "answer may tend to incriminate
17 "him?".
18

19 THE
20 MR. COMMISSIONER: That is
21 concise and right to the point without a
22 lot of verbiage. If you get to The Court
23 of Appeal, you can add all the if's, but's,
24 and's and whereas's and so forth that you
25 like. It seems to me that the question, as
26 I have suggested it, covers the matter
27 completely.

28 MR. ROSE: Well, I would like
29 to consider that, if I may, sir. At common
30 law, there is always a qualification with



1900

1900

There are many more things to be done

in the future, and we must be prepared

to do them as they come.

It is a long way to go, but I am

not discouraged, and I am sure that

the future will be a bright one.

I am sure that the future will be a

bright one, and I am sure that

the future will be a bright one.

I am sure that the future will be a

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I am sure that the future will be a

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the future will be a bright one.



V. Feeley

7012

1
2 this objection, that you have the power to
3 decide whether the answer might tend to
4 criminate him. In so far as my question
5 was concerned, I was trying to differentiate
6 between common law which applies under this
7 doctrine or common law as abrogated.

8 THE COMMISSIONER: If you get
9 to The Court of Appeal, you can develop
10 that argument. The conciseness of the
11 question, as I have suggested it ought to be,
12 does not prevent you, when you get to The
13 Court of Appeal, from arguing as you have
14 argued before me. They have it, know what
15 it is; they can decide it.

16 MR. ROSE: Do you think the
17 proper word is incriminate or criminate?

18 THE COMMISSIONER: I thought it
19 was incriminate.

20 MR. ROSE: I think it is
21 self-crimination.

22 MR. MACKINNON: It is criminate
23 under the Evidence Act., My Lord.

24 THE COMMISSIONER: All right,
25 we will follow the wording of the Act in
26 that respect.

27 MR. ROSE: If I may, sir, as I
28 see, it is now ten after five. I would like
29 to consider the wording of that overnight
30



1911

2. Finding

There are many things that you have done in the past which are not in line with the law. Some of these things are: (1) You have been drinking too much. (2) You have been using bad language. (3) You have been fighting with other people. (4) You have been stealing things. (5) You have been lying to people. (6) You have been breaking the law in many other ways. (7) You have been causing trouble for other people. (8) You have been making a bad example of yourself. (9) You have been wasting your time and money. (10) You have been making a bad name for yourself. (11) You have been making a bad name for your family. (12) You have been making a bad name for your community. (13) You have been making a bad name for your country. (14) You have been making a bad name for your race. (15) You have been making a bad name for your religion. (16) You have been making a bad name for your God. (17) You have been making a bad name for your soul. (18) You have been making a bad name for your future. (19) You have been making a bad name for your life. (20) You have been making a bad name for your death.

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V. Feeley

7013

THE COMMISSIONER: Mr. Rose,

I do not want any time wasted on this.

I set a possible deadline to clear up, as far as possible, certain aspects of the matter entrusted to me under the Commission.

Perhaps overnight would not hurt. In an effort to be concise, I do not want you to thereby prevent you from developing that argument in The Court of Appeal and if I state a case, I would want to do so without any delay whatsoever so that The Court of Appeal, cooperating with me as I am sure they would, would fix a date very soon.

MR. ROSE: I would be in favour.

I would like very much to consider the question, as you have it, in relation to the question, as I have it, and it may well be I would then ask you to ask the same question of The Court of Appeal. I would just like to consider it overnight.

THE COMMISSIONER: All right.

MR. ROSE: I will undertake to be prepared to go ahead with this particular submission or the question at the opening tomorrow morning.

THE COMMISSIONER: It is after five o'clock now. All right.

MR. ROSE: Thank you, sir.

[illegible]



V. Feeley

7014

THE COMMISSIONER: Do any counsel here wish to say anything at the moment?

MR. MACKINNON: With great respect to my learned friend's argument, I think it is completely specious. What he has overlooked is, of course, the introductory words to the Evidence Act, Section 1 (a) which says, "Action includes an issue, matter, arbitration, reference, investigation, enquiry". It is precisely covered. Section 2, which is even broader, says, "This Act applies to all actions and other matters whatsoever respecting which the Legislature has jurisdiction". The Legislature has jurisdiction. They have exercised their jurisdiction. They passed The Public Enquiries Act. Notwithstanding my friend, I think I must agree with him here that under The Enquiries Act, if he asks for a ruling and requests a case to be stated, it seems to be absolute. This may be something to be further considered by the Legislature.

THE COMMISSIONER: I might refuse to state a case and history repeats itself. He goes to The Court of Appeal and they make an order requiring me to do so.

MR. MACKINNON: I am quite familiar with the cases my learned friend



I, _____, Attorney at Law, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the _____.

words to the evidence in Section I (a) will be

the following information was furnished:

and after some time I asked him, "What?"

...it seems to be possible. This may

in order to obtain the best results.

...with the case my father told me



V. Feeley 7015

cited but I think it is an exercise in futility at the present time.

THE COMMISSIONER: Well, unless some other counsel have something to say -- apparently no.

MR. SHIME: Section 2 refers to civil proceedings and civil proceedings would never provide that a witness can be compelled where the Judge in the persons material to the ends of justice -- I think it would incorporate it into these proceedings. The whole table of rules provides that where it is in the interests of justice, he be compelled. I think you are correct, but I agree with Mr. MacKinnon that it would be an exercise in futility and perhaps we better wait until we see what Mr. Rose contemplates.

THE COMMISSIONER: All right, ten o'clock tomorrow morning.

-- Hearing adjourned at 5:15 p.m.

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...and I think it is an exercise in futility.

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Volume No.

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Royal Commission on Crime,

Thursday June 7/62.

Pages 7016 — 7025.



A/2/WR

THURSDAY, JUNE 7th, 1962

---On resuming at 10:00 a.m.

THE COMMISSIONER: Mr. Rose?

MR. ROSE: Yes, Mr. Commissioner.

THE COMMISSIONER: For the purpose of the record you and I have just had some discussions concerning the wording of the stated case, if I do state a case.

MR. ROSE: Yes.

THE COMMISSIONER: And I understand you - you correct me if I am wrong - if I state a case you are content it should be stated in substantially the language I indicated yesterday.

MR. ROSE: Yes, Mr. Commissioner.

THE COMMISSIONER: On that point?

MR. ROSE: Yes.

THE COMMISSIONER: Then have you another point?

MR. ROSE: Yes, the other point arose out of the initial evidence being given by Feeley yesterday.

The other question I would respectfully argue and ask you to state, if you do state a case, would be substantially in the words, "is a person summoned by yourself pursuant to your powers under the Public Inquiries Act required to produce copies of his income tax returns".



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1 Or, perhaps, to shorten it, taking
2 another view perhaps Mr. Wilson might want to
3 subpoena someone from the Department of National
4 Revenue and ask for copies of the income tax
5 returns, and I do not think this is admissible
6 evidence before you.

7 MR. WILSON: Mr. Commissioner, I
8 wonder --

9 THE COMMISSIONER: I do not think Mr.
10 Rose is quite right.

11 MR. ROSE: In effect that would be
12 it. The first question I put is:

13 "Is he required to produce them?"
14 That would leave out the possibility of them
15 being produced by an official of the Department
16 of National Revenue who would be subpoenaed;
17 and I think it would be strictly within, then,
18 a question of whether they are admissible.

19 THE COMMISSIONER: Well, as I understand
20 you, in our discussion in my room a few moments
21 ago - I have not had time to consider that
22 second matter very thoroughly, anyway -- and you
23 are of the impression that somewhere, somebody
24 had prepared a brief touching that very question.
25 You want to refer to that to see whether or not
26 it would be of any value to you in determining
27 whether or not you would want the second question
28 included in the stated case?

29 MR. ROSE: Yes, Mr. Commissioner.
30





1 THE COMMISSIONER: Now, is that
2 all?

3 MR. ROSE: That is all, sir.

4 MR. MacKINNON: I have a judgment
5 of Mr. Justice Smiley and Mr. Walter Rose was
6 on one side and I was on the other side and
7 Mr. Justice Smiley ordered copies, in his
8 decision, to be produced in re: Miles.

9 THE COMMISSIONER: I should have
10 thought there would be no doubt whatever in
11 the position of the witness as distinguished
12 from what would be in the decision of the
13 authorities in Ottawa.

14 MR. MacKINNON: Yes, I thought he
15 was raising the question as to whether they
16 would be admissible.

17 THE COMMISSIONER: I should not think
18 there would be much doubt about it, if Mr.
19 Rose wants to look into it. Last evening
20 I thought I could recall having read recently
21 some case in the Supreme Court of Canada
22 touching the very point that Mr. Rose has raised.

23 If I understand Mr. Rose's point of
24 view - correct me if I am wrong - he is fearful
25 that even though his client, or clients, should
26 claim and be given the protection of the Canada
27 Evidence Act that subsequently they might
28 be charged and it could then be ascertained,
29 as a question of law, that the protection which
30



THE PROSECUTION

1111

THE DEFENSE

THE PROSECUTION: I have a judgment
of Mr. Justice Bellamy and Mr. Justice
as the case was I was on the other side and
Mr. Justice Bellamy showed some, in the
decision, to be proved in the trial.

THE DEFENSE: I have a
judgment that I was on the other side and
the position of the witness in the trial
I was not sure in the decision of the
judgment in the trial.

THE PROSECUTION: I have a judgment
and I was on the other side and I was not
sure in the decision.

THE DEFENSE: I have a judgment
and I was on the other side and I was not
sure in the decision.

THE PROSECUTION: I have a judgment
and I was on the other side and I was not
sure in the decision.

THE DEFENSE: I have a judgment
and I was on the other side and I was not
sure in the decision.



1 I would quickly ask and might be given then
2 would in effect be no protection at all.

3 Now, that is your point, is it not,
4 Mr. Rose?

5 MR. ROSE: Yes, my lord.

6 THE COMMISSIONER: Well now, if
7 that point had been decided already there
8 would be no purpose in stating a case where,
9 in the opinion of the Court of Appeal of the
10 Province, where the Supreme Court of Canada
11 has already decided the matter.

12 My library at home is not complete
13 enough for me to dig out the cases I thought
14 I had read, and since coming here this morning
15 I have sent for the Supreme Court Reports,
16 and I haven't had sufficient time to digest the
17 decisions.

18 Perhaps one I had been thinking of
19 is in re: Gerson, a decision of the Supreme
20 Court of Canada and it is reported in 1946
21 Canada Law Reports, page 538 and following.

22 Mr. Wilson, you perhaps have not
23 had any more time than I have to analyse this
24 decision or have you had any more time?

25 MR. WILSON: No, I have had very
26 little time but you will see that the motion
27 first was heard by Chief Justice Broncliffe,
28 and he gave a judgment by way of having a
29 habeas corpus and his decision was appealed
30



I would be glad to see you at any time.

There is no objection to my going.

Now, that is your point, is it not?

Yes, sir.

Now, what is your point, sir?

The point is, that you are not

going to be able to do anything about it.

There is no objection to my going.

There is no objection to my going.

There is no objection to my going.

There is no objection to my going.

There is no objection to my going.

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There is no objection to my going.



1 to the full court, and the judgment of the
2 full court follows in that same report
3 immediately after the decision of the Chief
4 Justice.

5 I think if you will look at the
6 Chief Justice's reasons you will find he
7 covered the point that you have in mind. I do
8 not recall the page.

9 THE COMMISSIONER: Well, I have it
10 here. As I understand Mr. Rose's point, in
11 the light of this decision it may be - and
12 correct me if I am wrong, Mr. Rose, - that
13 this was a case in which there was an inquiry
14 under the Federal Act. Do you remember the
15 name?

16 MR. ROSE: I don't know but I think
17 it was Lunan. A Royal Commission had been set
18 up with respect to the Spyran Commission before
19 Mr. Justice Kellock and Mr. Justice
20 Tascheranu.

21 THE COMMISSIONER: Yes.

22 MR. ROSE: And certain evidence was
23 given in front of that Royal Commission where
24 the witness answered questions but did not object
25 to answer on the grounds of his incrimination,
26 and subsequently it was held those answers
27 were held against them on the subsequent trial
28 of the Official Secrets Act.

29 THE COMMISSIONER: I will have a look
30





1 at the headnote.

2 MR. ROSE: The actual trial under
3 the Official Secrets Act which is a Federal Act,
4 and the Canada Evidence Act, would apply to
5 a trial under the Federal Act.

6 THE COMMISSIONER: There is no
7 doubt about that.

8 MR. ROSE: And the way I would
9 distinguish that is five years later in a
10 case in Quebec it was held by Mr. Justice Tyndale
11 that the Quebec Evidence Act would not apply
12 to that inquiry under that statute.

13 THE COMMISSIONER: What I think
14 I should perhaps do - this is an important
15 matter and you want some time to look at this -
16 and I want a little time to look into this
17 second point.

18 While you are doing that, I would
19 like an opportunity to consider this matter
20 a little further.

21 Supposing we adjourn until two
22 o'clock?

23 MR. MacKINNON: I wonder if I could
24 give you some authority that might support
25 your lordship's position?

26 THE COMMISSIONER: Yes.

27 MR. MacKINNON: Because this point
28 was canvassed, dealing with the Canada Evidence
29 Act, which is identically worded with the
30



as the President.

The President said that

the President's power was not a personal one.

and the President's power was not a personal one.

It was not a personal power.

The President's power was not a personal one.

It was not a personal power.

Mr. Roosevelt said that the way I could

illustrate that is the power I have in a

way in which it was not a personal power.

and the power was not a personal power.

It was not a personal power.

Mr. Roosevelt said that the way I could

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1 Ontario Evidence Act, in Rex versus Liman,
2 1947 Ontario Reports, 201, and the summary,
3 the conclusion of the Court there - -

4 THE COMMISSIONER: What?

5 MR. MACKINNON: That is the Court
6 of Appeal, Mr. Commissioner.

7 Another one is Boyer versus Rex,
8 1948, 94 Canadian Criminal Cases, 195.

9 THE COMMISSIONER: Yes.

10 MR. MACKINNON: Then the next case
11 is Rex versus Simpson, 1943, 3 Dominion Law
12 Reports, 355, and this was a Provincial inquiry
13 involving the protection given under the
14 Provincial Statute.

15 THE COMMISSIONER: What court is that?

16 MR. MACKINNON: That was the British
17 Columbia Court of Appeal.

18 THE COMMISSIONER: Yes.

19 MR. MACKINNON: And then a fairly
20 recent case, the late Mr. Justice Gordon
21 reviews the history of this law. That is,
22 Regina versus Mottela, 1959, Ontario Reports,
23 520.

24 THE COMMISSIONER: Yes.

25 MR. MACKINNON: There is Rex versus
26 Mazurall, and that was also on the spy trials
27 where the Chief Justice deals directly with
28 this question. I am sorry, but I have not
29 got the citation for it, but it is around the
30



The first thing I noticed when I stepped out of the car was the cold. It was a sharp, biting cold that seemed to seep into my bones. I pulled my coat tighter around me and walked towards the entrance of the building. The door was open, and a warm, dimly lit interior greeted me. A man in a dark suit and tie stood behind a counter, looking at me with a neutral expression. I approached him, and he handed me a small card. It was a business card, and it read "Mr. J. K. Smith, President, ABC Corporation." I looked at the card for a moment, then back at the man. "Is this for me?" I asked. He nodded slightly. "Yes, it is." I took the card and walked towards the stairs. As I descended, I noticed a woman in a red dress standing near the bottom of the stairs. She was looking up at me, and I felt a strange sense of familiarity. I walked past her and entered a large, ornate room. The room was filled with people, some standing and some sitting. They were all looking in my direction. I felt a bit uncomfortable, but I forced a smile and walked towards the center of the room. A man in a white shirt and tie approached me. "Welcome, Mr. Smith," he said. "I am John Doe, Vice President of ABC Corporation. It is a pleasure to meet you." I shook his hand and looked around the room. "This is a very nice room," I said. "Yes, it is," John Doe replied. "We are very proud of our new headquarters." I nodded and looked at my watch. "I have to go," I said. "Thank you for the card, and for the welcome." John Doe smiled and said, "Goodbye, Mr. Smith." I walked towards the door and opened it. I looked back over my shoulder at the room one last time. The woman in the red dress was still standing there, looking at me. I felt a strange sense of longing as I walked away.



1 same time, 1948, 1949, as the other spy trials.

2 THE COMMISSIONER: Well, what
3 do you gentlemen think of the suggestion I
4 have just made?

5 MR. WILSON: I think it is a very
6 good suggestion, Mr. Commissioner.

7 MR. MacKINNON: When do we convene
8 again?

9 THE COMMISSIONER: Two o'clock.
10 That will give you time, Mr. Rose?

11 MR. ROSE: Yes, I will have to
12 contact either of the other two counsel.

13 MR. WILSON: Well, Mr. MacKinnon,
14 in case I haven't got the reasons of re Miles
15 in my office - - -

16 MR. MacKINNON: Those reasons were
17 not reported.

18 MR. WILSON: Well, you will recall I
19 was in the case originally, myself, but if I
20 haven't got a copy you might supply me with
21 one.

22 THE COMMISSIONER: What is the
23 name of it?

24 MR. WILSON: In re Miles estate.

25 MR. MacKINNON: It was right in
26 the middle of the trial that objection was taken.

27 THE COMMISSIONER: I remember that.

28 MR. WILSON: A.W.Miles.

29 MR. ROSE: That is reported.
30



1 MR. MacKINNON: No, only one
2 part of it was reported. The argument followed
3 right on.

4 THE COMMISSIONER: What year was
5 that?

6 MR. MacKINNON: I think in about
7 1954 or 1955 or 1956.

8 THE COMMISSIONER: Surely not?

9 MR. MacKINNON: My mind gets
10 confused on these cases.

11 THE COMMISSIONER: Tempus fugit,
12 but I did not think it was that long.

13 MR. WILSON: It finished about 1960.

14 MR. MacKINNON: I think we can - -

15 MR. WILSON: It went on for about
16 three years.

17 MR. MacKINNON: I think Mr. Willis
18 might have a copy of his reasons.

19 THE COMMISSIONER: Well, perhaps
20 you can get them.

21 MR. MacKINNON: I will do my best.
22 I cannot guarantee it, Mr. Commissioner, but
23 I argued the matter. I will do my best.

24 THE COMMISSIONER: Well, we will
25 just rise until two o'clock.

26
27 ---whereupon the hearing adjourned until
28 2:00 o'clock, p.m.
29
30



THE COMMISSIONER OF THE GENERAL LAND OFFICE,
LONDON.

SIR,

I have the honor to acknowledge the receipt of your letter of the 10th inst., in relation to the above-mentioned matter, and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

I am, Sir, very respectfully,
Your obedient servant,
J. H. [Signature]



1 ---On resuming at 2.30 P.M.

2
3 THE COMMISSIONER: I have ruled against
4 the submissions made by Mr Rose but, acceding to
5 the request he made, I am now stating a case
6 for the opinion of the Court of Appeal.

7 Mr. Wilson, Mr Rose and Mr Common have
8 discussed the form and substance of the stated
9 case with me and it has been approved by Mr
10 Rose and will be filed this afternoon. I
11 told counsel that the Court of Appeal will hear
12 the application on Monday next at 11 o'clock.

13 Until the Court of Appeal has disposed
14 of the matter the sittings of this Commission
15 will stand adjourned.

16
17 ---Whereupon the Hearing adjourned at 2.33 P.M.
18 sine die.

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| 1 | THE FIRST OF JULY, 1864. |
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| 35 | THE EIGHTEENTH OF JULY, 1864. |
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| 37 | THE NINETEENTH OF JULY, 1864. |
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| 39 | THE TWENTIETH OF JULY, 1864. |
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Volume No

34

Royal Commission on Crime,

Tuesday June 12/62.

Pages. 7026 — 7241.



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TUESDAY, JUNE 12TH, 1962

---On resuming at 10:20 a.m.

MR. WILSON: Mr. Commissioner, I want to recall Mr. Herman so that Mr. Brewin can cross-examine him as we arranged the other day.

THE COMMISSIONER: All right.

LOUIS HERMAN, recalled:

MR. WILSON: Before Mr. Brewin cross-examines; I had requested Mr. Herman to prepare a statement of fees that he had received from 1954 through to the present date either from these clubs or from any of the McDermott and Feeley companies or - for services rendered to them. He has now produced a statement which we will file as an exhibit.

BY MR. WILSON:

Q. I think, Mr. Herman, apart from the fee of \$1500 paid to you on July the 15th, 1959 in respect of Model Mines Limited, what other payments are shown there that you have not already told us about?

A. Fees with reference to the



THE UNITED STATES OF AMERICA

IN SENATE

COMMITTEE ON THE JUDICIARY

HEARINGS

ON

THE PROSECUTION

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1 Simple Finance.

2 Q. And with respect to the Simple
3 Finance; that was - -

4 A \$1,105. I think this is your
5 copy, Mr. Wilson.

6 MR. WILSON: That's right.

7 THE COMMISSIONER: This statement
8 will be Exhibit 189, - it shows all the fees
9 you received?

10 A. Yes, your lordship.

11 MR. BREWIN: Sir; I understand that
12 one of the witnesses, Mr. Vesley, is in the
13 courtroom -- I don't know whether you made a
14 ruling that he should not be - - -

15 THE COMMISSIONER: He can retire.

16
17 ---EXHIBIT NO. 189: Statement of fees.

18
19
20
21 BY MR. BREWIN:

22
23 Q Mr. Herman, this last
24 statement you have given us and which is marked
25 as an exhibit, the list of the fees you received
26 from the Roseland and Middle Road units, and - -

27 THE COMMISSIONER: Let me see the
28 exhibit, please.

29 MR. BREWIN: Q. Were there any other --
30 were there any monies received by you from those



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1 units and/or McDermott or Feeley on trust
2 account and dispersed by you?

3 A. I asked the bookkeeper to
4 prepare a statement of the fees. Let me
5 think for a moment. Yes, there was one payment
6 that I remember that I received that went into
7 trust relating to payment to an architect who
8 prepared some plans relating to alterations
9 to both clubs in connection with the hearing
10 before the fire marshal.

11 Q. Is that the only other
12 payment of money that went through your books
13 at all from either of those clubs or McDermott
14 or Feeley?

15 A. Well frankly, Mr. Brewin,
16 I didn't ask the bookkeeper to check through
17 the trust accounts when I asked for that. I
18 remember this particular payment, and the
19 trust accounts have not been checked for that
20 purpose.

21 Q. Well perhaps we can leave
22 that.

23 A. Yes.

24 Q. Mr. Herman, I propose to
25 confine my questions to you largely to the
26 circumstances surrounding the issuance of
27 Provincial charters on the direction of the
28 Attorney General.

29 A. Yes.
30



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1 Q. And I think you have already
2 said that an application for the issuance of the
3 charter would normally be made to and through
4 the Provincial Secretary's Department?

5 A. Oh yes. Of course.

6 Q. No question about that?

7 A. None at all.

8 Q. Have you ever before in all
9 your experience made an application for the
10 issuance of Provincial charters to the Attorney
11 General's Department?

12 A. Certainly not.

13 Q. Or through the intervention
14 in any way, of the Attorney General's Department?

15 A. Never at any time.

16 Q. I take it this is then a
17 unique circumstance, that in this particular
18 case the direction -- if I might put it this
19 way; for the issuance of the charters -- came
20 from the Attorney General personally?

21 A. Yes, that's right.

22 Q. Quite unique?

23 A. Quite, in my experience.

24 Q. In your experience. And
25 you have had extensive experience in regard to
26 these matters?

27 A. Considerable, yes.

28 Q. I see. Now another feature
29 I take it was a quite unique and unusual
30



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and not otherwise as then we might say

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1. The first step is to identify the problem or question that needs to be answered.

DATE OF THE REPORT: 11 - NOVEMBER 1960

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1 circumstance you knew, was the requirement that
2 when a charter was to be issued to a social
3 club, ordinarily the Ontario Provincial Police
4 and the local Municipal police should be asked
5 to report?

6 A. I don't know how unique it
7 is, but it is certainly my experience that the
8 Attorney General -- I am sorry -- the Provincial
9 Secretary's Department -- does request such
10 a report.

11 Q. I put it to you again that
12 in your experience, if you know of any other
13 case I would like to hear about it -- in your
14 experience it is apparently unique in this
15 case that the Municipal Police and Provincial
16 Police report made for applications for charters,
17 was dispensed with?

18 A. In my experience, that is
19 right.

20 Q. Now I take it from your
21 previous correspondence that you knew at the
22 time of your discussions with the Attorney
23 General about the issuance of these charters,
24 it was highly unlikely that the police would
25 make a favourable report?

26 A. Well, I took it for granted.

27 Q. Yes. You are complaining
28 I think that the police had slandered your
29 clients by saying they were operating gaming
30

[illegible]



L. Korman

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1 institutions - that was one of the complaints?

2 A. Yes.

3 Q. And, whether it was a slander
4 or otherwise it was highly improbable had they
5 been asked to make a report in the normal
6 fashion, that these charters would have been
7 issued?

8 A. Of course - in view of their
9 actions.

10 Q. Therefore it was necessary,
11 I put it to you, to have these charters issued,
12 for you to secure the intervention of the
13 Attorney General or someone who could override
14 the normal procedure?

15 A. That is not right. The
16 applications for the charters came about on the
17 suggestion of the Attorney General.

18 THE COMMISSIONER: Just a moment.
19 All right.

20 MR. BREWIN: Q. I wanted to ask
21 about that later, but I will just ask you to
22 answer this question: It is perfectly apparent,
23 isn't it, without the intervention of the Attorney
24 General personally, these charters would
25 probably never have been issued?

26 A. Perfectly apparent, yes.

27 THE COMMISSIONER: Just a moment.
28 All right.

29 MR. BREWIN: Q. Now, I take it then,
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Investigation - that was one of the objectives?

A. Yes.

Q. And, whether it was a minor

or otherwise it was a light objective for the

fact that it was a minor in the sense

that it was a minor in the sense

(unintelligible)

A. Or minor - in view of the

minor,

Q. Investigative in the sense?

I put it to you, do have these objectives?

For you to secure the information of the

investigation of the minor and this minor

the minor investigation

A. That is not right. The

investigation of the minor was not in the

investigation of the minor investigation.

the investigation of the minor

All right.

Q. Now, I want to ask

about that investigation, was I right and you are

sure, this question: Is it perfectly correct?

That is, without the investigation of the minor

investigation of the minor investigation

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All right.

Q. Now, I want to ask



1 that you have agreed that without what you have
2 described as the unique and unprecedented
3 circumstances - with no intervention of the
4 Attorney General - the Provincial Charters
5 would never have been issued?

6 A. I would certainly agree with
7 that.

8 Q. I want to come back to your
9 discussion with the Attorney General, Mr. Roberts.
10 You had previously complained rather bitterly
11 about the harassment or interference by
12 the police with these clubs, before this
13 Attorney General was appointed to his office?

14 A. That's correct.

15 Q. - through correspondence
16 you had?

17 A. Yes, also by discussing the
18 matter with the previous Attorney General.

19 Q. Yes. In correspondence
20 which you had, you had asserted in somewhat
21 vigorous and indeed bitter language that your
22 clients were being improperly interfered with?

23 A. That is right.

24 Q. And indeed you protested that
25 their behaviour was entirely legal so far as
26 you knew?

27 A. I didn't get that entirely.

28 Q. You protested that their
29 conduct of their operations was entirely legal
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the you have agreed that without this you have
agreed to the other two agreements
agreements - with the understanding of the
agreement - the other two agreements
with the other two agreements

A. I would certainly agree with
that.

B. I would be very glad to hear
that. I am very glad to hear that. I am
very glad to hear that. I am very glad to hear that.
You had previously explained to me that
that the agreement is to be made by
the other two parties. I am very glad to hear that.
I am very glad to hear that. I am very glad to hear that.

A. I am very glad to hear that.
B. I am very glad to hear that.

A. I am very glad to hear that.
B. I am very glad to hear that.

A. I am very glad to hear that.
B. I am very glad to hear that.

A. I am very glad to hear that.
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A. I am very glad to hear that.
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A. I am very glad to hear that.
B. I am very glad to hear that.

A. I am very glad to hear that.
B. I am very glad to hear that.

A. I am very glad to hear that.
B. I am very glad to hear that.



1 as far as you knew?

2
3 A Their conduct was illegal?

4 Q. Legal - as far as you knew?

5 A. I talked to the police?

6 THE COMMISSIONER: No. You protested
7 that the conduct of your clients was perfectly
8 legal?

9 A. Yes, I misunderstood you.
10 Of course.

11 MR. BREWSTER: Q. Of course, you say?

12 A. Obviously. It is in my
13 letters.

14 Q. I understand you to say that
15 anyway Mr. Roberts was not perfectly receptive
16 to your complaint that the police raids and
17 what you call police harassment be discontinued?

18 A. That's right.

19 Q. Then I take it he suggested -
20 and it was entirely his own suggestion - that
21 these clubs be given Provincial charters rather
22 than Federal charters?

23 A. First it came out of a
24 conversation I had, in that way - it was first
25 mentioned by him or by someone in his Department -
26 it came out of the Attorney General's Department -
27 we had a number of conversations with a number
28 of people and in the conversation - that came
29 out of the conversation.
30



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1 Q. Wasn't it Mr. Robert's
2 suggestion? I think you suggested before -
3 I want to be clear on that to be fair.

4 A I'm trying to be fair, but
5 it came out of the discussions. My recollection
6 is that it came from him, but I could be
7 mistaken about it.

8 THE COMMISSIONER: But it didn't come
9 from you?

10 THE WITNESS: Oh no.

11 MR. BREWIN: Q. Indeed I take it
12 that your evidence is you regarded it as a
13 disadvantage for your clients to have Provincial
14 charters - or a potential disadvantage?

15 A. Well, they were placing
16 additional restrictions on their conduct, yes.

17 Q. And if they didn't -- if
18 they carried on any criminal activities it
19 would be easier to have their charter cancelled?

20 A. Oh yes, of course.

21 Q. And that is what you under-
22 stood?

23 A. Well, that is a condition of
24 the charter.

25 Q. I want to ask you Mr. Herman
26 what was the quid pro quo - that your clients
27 were to get for placing themselves on
28 Provincial charters - ~~the~~ what were they to get
29 in return?
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Mr. [Name] [Address]

Dear Sir:

I want to be clear on that to be fair.

A I'm trying to be fair, and

it comes out of the discussion. My intention

is that it come from him, and I could be

misunderstood about it.

The [Name] [Address]

Yours truly,

Mr. [Name] [Address]

Mr. [Name] [Address] I want to

say that I am not trying to be

disrespectful to your clients to have them

concerned - or a potential client.

With best regards

Very truly yours,

Mr. [Name] [Address]

My reply to you is as follows:

would be easier to have their clients

A On the other hand,

and that is what you want

Yours truly,

B. With best regards

The [Name] [Address]

I want to be clear on that to be fair.

What has the [Name] [Address] - that your clients

were to get for planning themselves on

financially [Name] [Address] I want to be clear on that to be fair.

Yours truly,



1 A. In return they were to
2 obtain the same treatment other clubs in Ontario
3 get, that they play cards and so on but they are
4 not being harrassed continuously.

5 Q. I suggest to you that in
6 theory what you get from the Attorney General
7 to
8 was authority they were not^{to} be interfered with
9 except on complaint. They were not as to be
10 raided except on complaint?

11 A. They would not be harrassed.
12 That's right.

13 Q. Except on complaint?

14 A. Yes.

15 Q. I want to get that clear.

16 A. Yes, that was mentioned in the
17 discussions.

18 Q. Now, Mr. Herman, didn't you
19 know perfectly well there was not the slightest
20 chance of complaint being made from the outside
21 about the unlawful operation of these clubs?

22 A. I had no knowledge of that.
23 There is no way in which any -

24 Q. Or no one else seems to have
25 any knowledge of it. There was no complaints
26 emanated from the patrons at any rate, of these
27 facts?

28 A. I know of complaints other
29 than police. I know of complaints from
30 neighbours. I have heard of them.



Q. Now, did you see any...

...the same person, either alone or with...

...they say, and as far as they are...

...the same person, either alone or with...

Q. Now, did you see any...

...the same person, either alone or with...

...they say, and as far as they are...

...the same person, either alone or with...

Q. Now, did you see any...

...they say, and as far as they are...

Q. Now, did you see any...

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Q. Now, did you see any...

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Q. Now, did you see any...

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...they say, and as far as they are...

Q. Now, did you see any...

...they say, and as far as they are...

Q. Now, did you see any...

...they say, and as far as they are...

...they say, and as far as they are...

...they say, and as far as they are...

Q. Now, did you see any...

...they say, and as far as they are...

Q. Now, did you see any...

...they say, and as far as they are...



1 Q. Well, the Ontario Provincial
2 Police have not heard of them. I think it was
3 Sergeant Anderson told us there was no complaints.

4 A. I know one of their neighbours
5 personally. And he personally complained to
6 me about it.

7 Q. To you?

8 A. Yes, he told me that the
9 neighbours were quite concerned about the amount
10 of traffic.

11 Q. A neighbour. I thought
12 you were quite innocent of any knowledge of
13 what went on?

14 A. This neighbour is a Minister
15 of the Gospel and he mentioned it to me and told
16 me that the neighbours didn't like the traffic
17 going in and out and didn't like the behaviour --
18 I am referring to the Cooksville Club.

19 Q. Well, that's not the sort
20 of complaint -- that they didn't like the
21 traffic going in and out - that would cause
22 a raid to be made?

23 A. The neighbour told me he
24 also understood - and neighbours understood -
25 this was a gambling club where gambling -
26 illegal gambling was going on. I tried to
27 assure him that it was not illegal gambling -
28 I don't know whether I persuaded him it was,
29 but - some sort of gambling goes on in most
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1 or many social clubs.

2 Q. I am not sure I follow you.

3 A. Gambling is perfectly legal
4 under certain circumstances and most social
5 clubs, several of which I belong to, have
6 card rooms and permit the members to gamble.

7 Q. Well surely a complaint
8 which was to introduce action be taken, was
9 not a complaint that they were carrying on
10 perfectly legal playing activities, was it?

11 A. I suppose the fact is of
12 course that their complaints were that they
13 were carrying on illegal activities.

14 Q. Precisely, and who would
15 know illegal activities were being carried
16 on except the patrons and operators?

17 A. Well, obviously, - there are
18 walls between -

19 Q. There was one little perfect
20 formula for getting the police for the
21 operators of these clubs, for anything that they
22 did - but no action was to be taken except on
23 complaint?

24 A. Well, complaint could also
25 come from the police.

26 Q. I thought the Provincial
27 Police were not to take action except on
28 complaint?

29 A. I know, but that didn't mean
30



of many social ideas.

Q. I am not sure I follow you.

A. I am talking about the

idea of a social system that is

based on the idea of a social

system that is based on the

idea of a social system.

Q. I am not sure I follow you.

A. I am talking about the

idea of a social system that is

based on the idea of a social

system that is based on the

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Q. I am not sure I follow you.

A. I am talking about the

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Q. I am not sure I follow you.

A. I am talking about the

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Q. I am not sure I follow you.

A. I am talking about the

idea of a social system that is

based on the idea of a social



L. Herman

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that the police couldn't investigate and
satisfy themselves that ^{nothing} ~~what~~ was going on.

It was the harassment that we were dealing with,
not a matter of perfectly proper investigation.

Q. I suggest to you it was not the harrassment, the agreement from your discussions with the Attorney General was that they would not raid the clubs except on complaint?

A. My complaint was based upon this; that I took the position it was not the function of the police to decide on their own that they would take action, whether or not they were going to harrass someone, or whether or not they were going to take the names of patrons. It is the function of the police to protect and it is their function to investigate, but it is not their function to harrass and this was the significant part which I was complaining of.

Q I am asking you to confine your remarks for a moment to this question of complaints and I direct your attention to your letter of September the 12th, 1957, to Mr. Common which is Exhibit 178(Z), reads:

"You will remember that, when

"arrangements were made with the

"Attorney General on behalf of

"my clients, two units of the Army

"Navy and Air Force Veterans in



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the the police assistant investigators and
usually themselves that they were doing so.
It was the investigation that he was doing with
and a matter of fact, I think, that
I suggest to you it was not
the investigation, the investigation that was
with the Attorney General and that they were
and might have been in violation
of the law. I think that
you will find that I am the person who
not the function of the police to decide on
that and that they were not doing so
or not they were going to have a
or whether or not they were going to take the
names of persons. It is the function of the
police to protect and it is their function to
investigate, but it is not their function to
harass and this was the situation here
which I am explaining to
I am asking you to decide
your opinion for a moment to this question of
complaints and I think your attention to your
letter of September the 12th, 1937, to
the Attorney General is really what
the bill would be and
the investigation that was with the
Attorney General on behalf of
the Attorney, the name of the law
"New and the Police Department in



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"Canada as well as the Canadian
"Merchant Navy Veterans Association
"to place themselves under Provincial
"jurisdiction and operate their
"club rooms under Ontario charters,
"it was understood that the
"Provincial Police would cease
"picketing, harrassing and
"annoying our clients and would
"instead act only on complaints
"received".

A. Exactly. That is exactly
what I have said.

Q. I am suggesting that meant
only complaints of illegal activities?

A. No. Any complaints of any
kind. We never discussed that they would not
investigate in the course of our discussions
and indeed the police should investigate, and
after they have investigated enough, the
complaint, whether or not they are at fault -

Q This is another point that
I want to ask: When you discussed this matter
I understood that you said they would be on their
good behaviour and would carry on their previous
exemplary conduct, and that the idea was that
under the Provincial Charter they could be
policed more effectively. What discussions
were there about how that would be carried out?



*"Growth as well as the condition"

old that problems were #1.

you to exchange you all

one of the most important elements in the

— 110 —



1 Was the Attorney General to have any interest
2 in the manner of determining whether they were
3 carrying on illegal activities?

4 A. No. The whole purport
5 and intent of our discussions was that they
6 would cease their harrassing if they placed these
7 conditions on their operations so that if they
8 broke any of the conditions the charter could
9 be revoked.

10 Q. If any complaints were
11 received?

12 A. Yes, of course. So they
13 should not harrass without something to go on.

14 Q. Well let me put it this way -
15 THE COMMISSIONER: Excuse me. What
16 would they have to go on?

17 A. In the first place the
18 complaints Mr. Brewin has mentioned several times,
19 that would have the result of an investigation
20 and would reveal if they were doing anything
21 improper.

22 Q. Complaints as to illegal
23 activities?

24 A. Of course - or breach of the
25 charter conditions.

26 Q. Taking first the complaints
27 they were conducting themselves illegally or
28 unlawfully; where were these complaints to come
29 from?



L. Herman

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A. They could come from anywhere.

Q. Illustrate?

A. If the police -- one method is from neighbours as I suggested.

Q. Well, the neighbours wouldn't know whether they were carrying on a gaming house or not?

A. No.

Q. Well, can we eliminate the neighbours?

A. Yes.

Q. And illustrate some other?

A. Yes, complaints - same as a complaint would be if the police as a result of their investigations felt that something illegal was going on they would then have cause to take proper steps.

Q. How would they ascertain whether or not there was any unlawful conduct going on?

A. They're doing it every day.

Q. How would you suggest they find out?

A. By going in these premises and by visiting them.

Q. Well, that's what they had been doing for months?

A. They were not just going in . In the first place there was - I should not use



1951

London

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1 the word "a complaint". There was a suggestion
2 that the police were being hampered in their
3 investigation because the place was built -
4 I think the expression was "like a fortress".
5 One of the conditions of the charter was
6 that there should be free access at any time
7 the police wanted to go in normally but what
8 they were doing was; stopping people coming
9 to and going from the club and asking their
10 names and lining them up and raiding them
11 day after day and by going inside and searching
12 them and questioning them and that was the
13 sort of thing about which we were complaining,
14 but this charter made it possible for the
15 police to go in without that sort of thing
16 to satisfy themselves what was going on
17 was perfectly proper.

18 MR. BREKIN: Q Well I would like
19 to put this before you, Mr. Herman: In your
20 letter of September the 23rd, 1957 to Mr.
21 Common, which is Exhibit 178(AA), the last
22 paragraph on the first page (reads):

23 "It was certainly not intended
24 "when these clubs were incorporated
25 "by Provincial charter that
26 "picketing, harrassing and
27 "annoying the members of the club
28 "would continue. It was
29 "definitely understood that the
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[illegible]



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"watching and besetting of the
"club premises would cease and
"that these clubs would be
"permitted to operate in exactly
"the same manner as other clubs in
"the province without continual
"harrassing by the police."

A. That is exactly what I said
to you a few minutes ago.

Q. It was definitely understood
between you and the Attorney General?

A. Yes.

Q. It was part of the arrangement?

A. I take it if you say the
"Attorney General" you are referring to his
Department? That is correct?

Q. The Attorney General himself?

A. He was not part of this.

Q. - was a party to this, wasn't

he?

A. Yes - as well -

Q. You say I take it that
these clubs should be - first of all; watching
and besetting should cease?

A. That's right.

Q. And secondly, the clubs
would be permitted to operate the same as any
other social club?

A. Certainly.



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1 Q. And I suppose other social
2 clubs, that were not suspected of gaming
3 activities didn't get too much attention from
4 the police, did they?

5 A. No, they visited them from
6 time to time, but - - -

7 Q. Although these clubs were
8 suspected and, it turns out, rightly, of
9 carrying on gaming activities, they were to
10 be permitted to carry on without the sort of
11 investigation - - -

12 A. Without the harassing and
13 picketing I referred to, but one of the purposes
14 of the charter was to permit easier access to
15 the police.

16 Q. And did they get easier
17 access?

18 A. If you refer to the charter;
19 that's a condition of the charter was no club
20 was permitted in any way to prevent access to
21 the police.

22 Q. Do you know if any physical
23 arrangements were changed whatever as to the
24 guarding of these premises when the charters
25 were issued?

26 A. I have never been to the
27 premises since the charters were issued.

28 Q. Did you inquire whether any
29 changes were made?
30



4. If you refer to the above
that a commission of the crime was in fact
perpetrated in any way so proved, access to
the building.



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A. I discussed with them the making of changes, yes.

Q But you have heard these places described as "fortresses"?

A. I have, yes.

Q. And do you know if the fortress was dismantled in any way as a result of this arrangement with the Attorney General?

A. I have not any personal knowledge. It was discussed when I made the charters I made that perfectly clear to them. In the first place the conditions of the charter had to be complied with and in the second place when proceedings were taken before the Deputy Provincial Secretary to cancel the charter, there was evidence given as to locks and so on on the fortress - that appears on the transcript.

Q. Do you know of any inquiry the Attorney General made to find out whether the nature of these operations had been changed one iota as the result of the issuance of these charters?

A. Yes of course, because at the hearing before the Deputy Provincial Secretary evidence was given as to the condition of the doors and accesses to the premises, and if I remember correctly - I could be mistaken - there are four hundred pages of transcript,



I discussed with them the

meaning of charges, too.

Q. Did you have any other

charges discussed with them?

A. I have, too.

Q. And do you know if the defendant

was dissatisfied in any way as a result of this

discussion with the attorney?

A. I don't know.

Q. It was discussed when I made the

statement I made last perfectly clear to them.

Q. In the first place the conduct of the attorney

and in the second place the fact that he was

not present at the time of the discussion.

Q. I am not sure of that.

A. There was evidence given as to facts and as

to the facts - that appeared on the

record.

Q. Do you know of any other

the attorney General made to him and whether

the matter of these charges had been discussed

and also as the result of the hearing of these

charges?

A. Yes, I do.

Q. The hearing before the Deputy Attorney General

evidence was given as to the conduct of the

attorney and evidence as to the charges, and if I

remember correctly - I don't know.

Q. And the charges were not discussed.



1 and that evidence was given as to that,
2 by a police officer.

3 THE COMMISSIONER: In fact there
4 had not been any changes made.

5 THE A.T. No. The contention was
6 that there had been some changes and the
7 argument was whether or not there had been
8 sufficient changes made.

9 MR. BREWIN: Mr. Herman, I want
10 to turn to another matter. Mr. Cudney says
11 when Mr. Roberts phoned him about issuing these
12 charters he says you had protested the innocence
13 of your clients?

14 A. That's correct.

15 Q. Is that true? You protested
16 the innocence of your clients?

17 A. I took the position all the
18 time that any gambling that went on there was
19 perfectly legal.

20 Q. You also took the position I
21 think, in your correspondence that there was no
22 reason to suspect anything to the contrary?

23 A. That's right.

24 Q. I just want to remind you
25 briefly of some of the things you said. On
26 August the 4th, 1954, writing to Mr. Common
27 you said:

28 "Our clients carry on a bona fide
29 "Veterans' Club on these premises".

30 THE COMMISSIONER: What date?



100

101

and that witness was given as to that,

by a police officer.

THE CHAIRMAN: Is that right?

Yes, and that was the case.

A. Yes, the witness was

that there had been some changes and the

argument was whether or not there had been

material changes made.

THE CHAIRMAN: Now, I want

to turn to another matter. Mr. Conway says

that Mr. Conway found the same thing

which he says you had previously the same

of your client?

A. Yes, that's correct.

Q. Is that right? You proposed

the issuance of your client?

A. I took the position all the

time that my position was not in that way

materially legal.

Q. You also took the position I

think, in your correspondence that there was no

reason to suspect anything to the contrary?

A. That's right.

Q. I just want to remind you

briefly of some of the things you said. Do

you recall that you said, "I'm writing to Mr. Conway

the same:

"Our clients carry on a bona fide

"Veterans' Club on those premises."

THE CHAIRMAN: What does



L.Herman

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1 MR. BREWIN: August the 4th, 1954.

2 THE COMMISSIONER: Can you give us
3 the number of the exhibit?

4 MR. BREWIN: That, my lord, is
5 Exhibit 178 - I think that particular letter
6 is 178 (F). Then, on December the 3rd, 1954,
7 writing to the then Attorney General you
8 made this assertion --

9 THE COMMISSIONER: I am sorry,
10 I didn't get the date.

11 MR. BREWIN: December the 3rd, 1954,
12 this is Exhibit 178 (K). You made this
13 observation to the Attorney General, / on that
14 date:

15 "It is significant that no charge
16 "has been ~~was~~ laid at any time
17 "with respect to the many raids
18 "which were made over the past
19 "month. Our clients carry on in
20 "a perfectly legal manner the operations
21 "of their organization."

22 A. That was always my contention.

23 Q. It was your assertion, not
24 just your contention. It was your assertion?

25 A. Assertion? Nonsense.

26 A solicitor or counsel makes representations
27 in the same manner every day.

28 Q. I will just go through a list
29 of them and then explain to you the difference
30



1947

Exhibit

Q. Now, what is the date?

A. The date is the 1st of May, 1947.

Q. Now, what is the date?

A. The date is the 1st of May, 1947.

Q. Now, what is the date?

A. The date is the 1st of May, 1947.

Q. Now, what is the date?

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Q. Now, what is the date?

A. The date is the 1st of May, 1947.

Q. Now, what is the date?

A. The date is the 1st of May, 1947.

Q. Now, what is the date?

A. The date is the 1st of May, 1947.

Q. Now, what is the date?



1 between making assertions of this sort and
2 what I conceive your duty to have been.
3 we will just go through these different items.
4 February the 17th, 1955, you were saying in a
5 letter to Mr. Common which is Exhibit 178(I) or (L)
6 perhaps -- (L) :

7 "On behalf of our clients we wish
8 "to protest the outrageous actions
9 "of the Provincial Police towards
10 "our clients. Not only have the
11 "police raided the premises of
12 "our clients on seven different
13 "occasions but they have slandered
14 "our clients on a number of
15 "occasions, have encouraged Toronto
16 "newspapers to print stories about
17 "our clients and have even slandered
18 "the writer".

19 That is you, I take it?

20 A. Yes.

21 Q You know, do you not, that
22 a slander is a repetition of something that is
23 untrue?

24 A. That's right.

25 Q Well, it was not untrue. Your
26 clients were operating, as you now know, gaming
27 operations on these premises?

28 A. Now Mr. Brown, I am a
29 lawyer and to say as I now know - if you mean
30



...and I will be very glad to see you.

... ..

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1 something I have seen myself; I know nothing
2 of the sort but what I have read in the newspapers,
3 certainly that knowledge has come to me and I
4 know.

5 Q. I will discuss your knowledge
6 later.

7 A. All right.

8 Q. At this point it would only
9 be true about the slandering of your clients
10 if the allegations that they were operating a
11 gaming house were untrue?

12 A. Of course.

13 Q. Then in the same letter -
14 the same exhibit which was written to the then
15 Attorney General:

16 "May we repeat what we stated
17 "in our letter to you of December the
18 "3rd, 1954, that no charge has at
19 "anytime been laid arising from
20 "these raids and that our clients
21 "carry on in a perfectly legal
22 "manner the operations of their
23 "organization".

24 You made that assertion to the Attorney General?

25 A. Certainly.

26 Q. And then in the letter of
27 July the 22nd, 1955, which is Exhibit 178(P)
28 you make this assertion:

29 "On July the 6th, 1955, there appeared
30



Q. Now, A. H. ...

... I have been ... I have been ...

... I have been ... I have been ...

... I have been ... I have been ...

... I have been ... I have been ...

Q. I will discuss your knowledge ...

... I will discuss your knowledge ...

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1 "in the Toronto Telegram an
2 "account of an interview with the
3 "police, a copy of which we enclose.
4 "There is no justification whatsoever
5 for stating that these clubs
6 "are operated by a gambling syndicate
7 "or that gambling casinos are
8 "being operated. The reference in
9 the newspaper article is to three
10 "centres. Our clients operate
11 "club houses in Cooksville and Roseland,
12 "which latter municipality is a
13 "suburb of Windsor."

14 You said there, "there is no justification whatsoever
15 for stating that these clubs are operated by a
16 gambling syndicate". You made no investigation
17 of this other than talking to the clients ?

18 A. That's right.

19 Q. And you think it is proper
20 for you as a lawyer to put forward the statement
21 that there is no justification?

22 A. I have maintained it for a
23 man subsequently proved guilty of murder - that he
24 was innocent. That is the function of counsel.

25 Q. I suggest to you it is not
26 your function to assert them as facts - the
27 legality of your clients?

28 A. You're certainly not suggesting
29 from these letters the Attorney General's Department
30



"is the Toronto Telegram an

"account of an interview with the

"Police, a way of doing so would

"there is no justification whatever

for stating that these clubs

"are operated by a gambling syndicate

"the fact being that they are

"being operated. The statement is

the newspaper article is to show

"that the Police are doing their

"also means in connection with the

"which latter municipality is a

"subject of inquiry."

The fact that the Police are doing their

for stating that these clubs are operated by a

gambling syndicate. The fact is that

of this other than talking to the Police?

A. That's all.

Q. And you think it is proper

for you as a reporter to say that the Police

and there is no justification?

A. I have mentioned it for a

and I have mentioned it for a

and I have mentioned it for a

I suggest to you it is not

Your function to suggest them as there - the

legality of your client?

A. That's all.

That's all.



1 or anyone else would take it from these
2 letters I gave my personal knowledge of that
3 fact.

4 Q. I would think so.

5 A. Not at all. I was at all
6 times maintaining and carrying out instructions
7 of my clients. I have never suggested at any
8 time I have visited these places or have
9 satisfied myself anything illegal was carried
10 on.

11 Q. Did you consider it your
12 function as counsel, when as you know the
13 police have made certain allegations, it
14 is your duty as counsel to assert as facts
15 matters that you haven't looked into?

16 A. To assert as contentions,
17 certainly. There was never any conviction
18 at this time, and these people were always
19 innocent until they were proven guilty.

20 Q. But surely if you had said
21 "My clients instruct me" that would be different
22 than asserting - - -

23 A. Mr. Brewin, don't keep
24 repeating that. It is perfectly obvious I
25 have never asserted this is a matter of my
26 own personal knowledge throughout. These are
27 the instructions given to me by my clients.

28 Q. And I take it that you knew
29 they had records of convictions - you knew that
30



the subject of the case is the same

as the subject of the case is the same

and

Q. I would think so.

A. Yes sir. I was at it

the subject of the case is the same

of my office. I have never suggested as any

time I have visited these places or have

received any mail or anything of the kind

and

Q. Did you consider it your

function as a lawyer, was it for you to

police have made certain allegations, is

it your duty as counsel to report as to

whether that you haven't looked into?

A. To report as a confidential

certainly. There was never any conversation

at this time, and these people were always

known to me and known to the

Q. But surely if you had said

the subject of the case is the same

the subject of the case is the same

the subject of the case is the same

the subject of the case is the same

the subject of the case is the same

the subject of the case is the same

the subject of the case is the same

Q. And I take it that you have

the subject of the case is the same



1 at this time?

2 A. Yes.

3 Q. In making these assertions?

4 A. Yes, not all the time, but
5 it came to my knowledge in the course of these
6 transactions.

7 Q. I must say, Mr. Herman, I think
8 you protested a little too much.

9 A. That's a matter of judgment.
10 It is in my judgment that I didn't think I
11 protested enough. I still think it is not the
12 function of the police to carry on that way.

13 Q. Then I will go on to your
14 letter of April the 22nd, 1957. You were
15 writing at this time to Mr. Kelse Roberts who
16 at this time was Attorney General:

17 "We are of course aware of the
18 "fact that newspapers have printed
19 "articles alleging illegal activities
20 "in these premises, but we feel
21 "sure that an intelligent reading
22 "of these articles will convince
23 "anyone that they are made up of
24 "rumor and with no basis in fact."

25 And then you go on and complain about a statement
26 made by Mr. MacDonald in the Legislature in
27 regard to illegal operations?

28 A. Yes.

29 Q. And then you go on to say:

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Q. Now, you say that you were not present at the time of the meeting in the room of the...
A. Yes, I was not present at the time of the meeting in the room of the...
Q. Is it in your knowledge in the room of the...
A. Yes, I was not present at the time of the meeting in the room of the...
Q. I was not present at the time of the meeting in the room of the...
A. Yes, I was not present at the time of the meeting in the room of the...
Q. Is it in your judgment that I didn't think I...
A. I still think it is not the...
Q. Location of the police is very on that day...
A. When I will go on to your...
Q. Letter of April the 22nd, 1947. You were...
A. Writing at this time to Mr. Edwin Roberts was...
Q. At this time was Attorney General...
A. He was of course aware of the...
Q. That that newspaper was printed...
A. Articles alleging illegal activities...
Q. In those instances, but we feel...
A. And we are investigating...
Q. Of those articles will continue...
A. Anyone that they are made up of...
Q. "Immoral and with no basis in fact..."
A. And then you go on and complain about a statement...
Q. And you are not in the...
A. Report to illegal operations...
Q. Yes...
A. And then you go on to say...



1 "We are confident that, after
2 "reading the enclosed complaints
3 "which set out many of the facts,
4 "you will take the proper steps
5 "to see that the Provincial
6 "Police are restored to their
7 "proper function, namely to the
8 "apprehension and investigation of
9 "crimes and not the persecution
10 "of groups of veterans who are
11 "meeting in a law-abiding way
12 "and are totally within their
13 "rights in a free country."

14 A. That's right. It has always
15 been my assumption that people are innocent
16 until proven guilty and I am still under that
17 assumption today.

18 Q. You were prepared to go
19 around making assertions without inquiring?

20 A. I never made any assertions
21 on my own part.

22 Q. I suggest you did, and
23 reckless whether those statements are the
24 true state of affairs?

25 A. The difference between you
26 and me; here I am a witness, ~~XXXX~~ sworn to tell
27 the truth, and I am not here serving any
28 interest of any ~~xx~~ political party, as you
29 are.



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the new movement that, after
"reading the enclosed newspaper"
"which was sent me by the editor,"
"you will find the paper very"
"interesting and profitable."
"Police are reported to have"
"found evidence" "in the"
"investigation and investigation of"
"the case and the newspaper"
"of the case of violence and the"
"reading in a newspaper and"
"the case which will be"
"taken as a case study."
A. "That's right. It is always"
"one of the things that people are interested"
"in. I am sure that I am still under the"
"impression that."
B. "The case is not in the"
"case which is not in the"
A. "I am sure that you are"
"in the case."
B. "I suggest you do, and"
"remain under the impression that the"
"case is not in the"
A. "The difference between the"
"and the case I am in, which is not in the"
"the case, and I am not sure of it."
"interest of the political party, as you"



1 Q. Please confine yourself
2 to answering my questions.

3 A. I will be happy to if the
4 questions are properly put. I will be glad to.

5 Q. Then, returning to what
6 you told the Attorney General when these
7 charters were issued; I would be correct in
8 saying that you protested to Mr. Roberts, the
9 innocence of your clients?

10 A. That's right.

11 Q. And I take it if you were
12 protesting their innocence, Mr. Roberts was
13 aware at least of the fact that the police
14 did not believe them to be innocent?

15 A. Quite so.

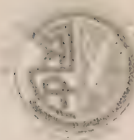
16 Q. Yet you were protesting their
17 innocence. Had you anything to indicate they
18 were innocent?

19 A. Not the slightest, other than
20 the instructions of my clients.

21 Q. Did you tell him their
22 names? I understand you didn't even bother
23 to tell him their names, other than the names
24 of the clubs?

25 A. That's right. I have no
26 recollections of mentioning their names.

27 Q. You didn't tell him the
28 ~~principals~~ principals were McDermott and Feeley,
29 known convicts, did you?
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Q. Please continue your story.

A. I was in the hospital.

A. I will be happy to if the

question was properly put. I will be glad to

Q. Now, returning to when

you left the hospital, about that time

whether you know; I want to know if

saying that you reported to Mr. Roberts, and

statement of your friend

A. That's right.

Q. And I take it in your book

indicating that Roberts, Mr. Roberts was

were at least at the time that the police

did not believe them to be innocent

A. That's right.

Q. Did you ever speaking with

innocent. Had you anything to indicate that

was innocent?

A. Not the slightest, other than

the instructions of my friend.

Q. Did you tell him that

correct? I understand you didn't even believe

to tell him their names, other than the names

of the client?

A. That's right, I don't

remember of anything else.

Q. You didn't tell him the

names of the people who were in the room?

known complete, did you?



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A. I don't think I did.

Q. You don't think you did?

THE COMMISSIONER: You told us
the other day that you didn't.

A. That's right.

MR. BREWIN: Q. You didn't?

A. That's right.

Q. Didn't Mr. Roberts in evince
any interest in who were the people who were
instructing you to get this arrangement for
them?

A. He certainly did, because
it was mentioned. He - - I say "he", it may
have been someone in his Department. It was
certainly mentioned, like the people people who
were hanging around these clubs and that would
go there who had records and were notorious.
Yes. It was mentioned.

Q. Did Mr. Roberts inquire
from you who the individuals were that were
instructing you?

A. I don't think so.

Q. Not who you acted for at
all, other than the names of certain clubs?
They could be anyone?

A. Discussions and correspondence
were always on the basis of my acting for
these organizations.

Q. I understand that, but I want



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1 to make sure in fairness to Mr. Roberts,
2 if you can tell me, whether in his discussions
3 with you he evinced any interest in the
4 personalities behind these applications?

5 A. Only in the course of
6 discussions on the police would the character
7 of them even enter in.

8 Q. Did you volunteer your
9 own suspicions or continue to press the innocence
10 and good faith of these - - -

11 Q. I wouldn't think very much
12 of myself as a counsel if I volunteered my
13 own suspicion. That's not the function of
14 counsel.

15 Q. You were asking a favour
16 of a political colleague, were you not?

17 A. No. I was asking a right
18 for my clients.

19 Q. A right?

20 A. Yes.

21 Q. You claim there was a right
22 for these clients of yours to receive a provincial
23 charter?

24 A. I know that I acted as a
25 representative for my clients.

26 Q. I think it all arises out of
27 your statement that you were asking Mr. Roberts
28 as a matter of right, and not a political favour.
29 But I suggest to you on reflection that it was
30



to make sure in fairness to Mr. Roberts,

if you can call me, whether in his absence or

with you he evaded my interest in the

questionnaire which some applications

A. Only in the course of

attempts to the police would the

of some years later.

B. The first question was

and suggested in writing to them the

and good faith of these - - -

C. I wouldn't think very much

of myself as a subject of a questionnaire

and suggestion. There's not the function of

himself.

D. The same thing is true

of a political situation, now you may

E. I am looking for

for my silence.

F. A right

G. The

H. The same thing is true

I. The same thing is true of justice in government

himself.

J. I know that I haven't

questionnaire for the

K. I think it all comes out of

from everything that has been said in the

as a matter of right, and not a political

but I suggest you on reflection that it was



1 not a matter of right but was a political favour?

2 A. Not at all. If it was a
3 political favour, it actually served to close
4 the clubs, ultimately.

5 Q. Ultimately, after about three
6 years operation?

7 A. I don't know, but it seems
8 to me one was closed six months later.

9 Q. And I suggest they were
10 closed as a result of undercover investigation
11 and certainly not encouraged by you or your
12 clients?

13 A. I certainly did not encourage
14 or discourage.

15 MR. WILSON: I know Mr. Brown is
16 not deliberately misquoting the evidence but
17 that was not very accurately - - -
18 The first club closed up November 15th, 1957
19 and the second one, the Frontier Club, closed
20 up in July 1958. He is talking about three
21 years, and there was one closed up in May, 1960 --

22 THE COMMISSIONER: Well, its all a
23 matter of record.

24 MR. BRENNIN: If I was inaccurate
25 I apologize, but I suggest to you that after
26 these chapters were issued as you very well know,
27 these clubs, some of them at any rate, continued
28 a very profitable operation?

29 A. I think the most important
30



1 single act that resulted in closing up these
2 clubs was the act of the Attorney General in
3 permitting these charters. That's my opinion.

4 Q. And you think that perhaps
5 the intervening years in which the police
6 officers were corrupted does not matter very
7 much I suppose?

8 A. Well, I don't know anything
9 about that.

10 Q. You don't?

11 A. You know I don't.

12 Q. I would suggest to you,
13 my friend Mr. MacKinnon reminds me, the Frontier
14 Club was not closed due to any question of
15 charters, but on account of police raids you
16 were trying to discourage?

17 A. I was trying to discourage
18 nothing of the sort.

19 Q. Isn't that the reason the
20 Frontier Club was closed - because of police
21 raids?

22 A. I don't know.

23 Q. You don't know. Well it
24 certainly was not a result of charters being
25 issued. What about the Roseland Club? Mr.
26 Herman, you have asserted that the most
27 significant single contribution to closing
28 these clubs was the issuance of Provincial
29 Charters?



... ..

It is not clear that the above is the case.

1954年 8月 15日 星期日 晴

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A. That's right.

Q. I suggest that that had nothing to do with the closing of at least two of the clubs?

A. You're suggesting and I disagree with you.

Q. You evidently were able to get Mr. Roberts to intervene in what you yourself have described as an unprecedented manner for the granting of these Provincial charters?

A. Yes.

Q. You were able to get that as a result of your discussions?

A. Yes, obviously.

Q. And can you explain how you were able to get that? Did you have any particular influence on Mr. Roberts?

A. If I had, I don't know of it. It had never been used.

Q. It had never been used?

A. No.

Q. You were political colleagues of course, were you not?

A. I would hope so.

Q. It would not be unfair to say that you were a man of some influence in your own party?

A. If I had any influence I



Q. Now, what time was it?

A. It was about 11:30 or 12:00.

Q. Now, you say you were at the office at that time?

A. Yes, I was.

Q. Now, you say you were at the office at that time?

A. Yes, I was.

Q. Now, you say you were at the office at that time?

A. Yes, I was.

Q. Now, you say you were at the office at that time?

A. Yes, I was.

Q. Now, you say you were at the office at that time?

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A. Yes, I was.

Q. Now, you say you were at the office at that time?

A. Yes, I was.

Q. Now, you say you were at the office at that time?

A. Yes, I was.



1 have yet to see it.

2 Q You have yet to see it?

3 A. That's right. I do not
4 think that the provincial charters was a favour,
5 if it was anything, in my clients' favour,
6 and it was only after considerable argument
7 that they were obtained.

8 Q. Didn't it occur to you that
9 the police have to continue raids?

10 A. You are using the word "raids".
11 I was objecting not to proper raids or
12 evidence under the Criminal Code, I was
13 objecting to continual harrassing and
14 picketing and I always have the belief and
15 still have it, that is not the function of the
16 police.

17 Q We have heard what you have
18 said about that.

19 A. Yes, but under the Criminal
20 Code you must get search warrants and it must
21 be based under the Code on proper evidence
22 but search warrants here were issued as a
23 matter of course in case there was any evidence
24 but certainly on / no evidence on which any
25 charge was made.

26 Q. I am suggesting to you
27 it was far from proper to make on behalf of
28 these clients after you are aware of their
29 criminal record and after you surely must have
30



Q. Now let me ask you.

A. Yes, now let me ask you.

Q. Now let me ask you.

A. Yes, now let me ask you.

Q. Now let me ask you.

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Q. Now let me ask you.

A. Yes, now let me ask you.



1 had suspicions as to their gaming activities
2 because they had been convicted and after all
3 this, you put them forward as deserving of
4 credit worthiness to be able to operate
5 the Simple Finance Company?

6 A. I put them forward. I
7 forwarded letters of reference. I advised them
8 of the history of these people but I never
9 asked the Department of Insurance to go
10 and investigate their police records.

11 Q. You didn't disclose the facts?

12 A. I not only didn't. I don't
13 think I had any right to. What a client tells
14 me is privileged.

15 Q. Did you have the duty as a
16 representative, to disclose any facts without
17 making a full statement of what you knew
18 about?

19 A. I did what I do in the course
20 of my practice every day; advised people
21 what the instructions are and the facts are,
22 according to my understanding.

23 Q. Do you every day in your
24 practice recommend the issuance and special
25 privileges, and attesting the trustworthiness
26 -- do you regard it as your duty to put forward
27 people you know have been convicted on a
28 number of occasions?

29 A. It is part of my duties to make
30 representations on behalf of people who have



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1 been convicted. Certainly.

2 THE COMMISSIONER: Well, that is
3 hardly answering Mr. Brewin's question.

4 A. I didn't intend to evade the
5 question.

6 THE COMMISSIONER: Well perhaps the
7 question was too long.

8 A. It was a long question. I
9 may have answered the last part of it.

10 MR. BREWIN: Q. Do you think it part
11 of your professional duty to recommend to
12 government authorities for positions of trust
13 and responsibility those whom you know have
14 been convicted of serious criminal offenses?

15 A. If you change the word
16 "recommend" to "proposed" I would say it is
17 part of my duty to propose people. I do not
18 do any more than propose nor I give an under-
19 taking on their behalf.

20 Q. You spoke of Mr. McDermott's
21 excellent war record.

22 A. That's right, but I didn't
23 question him. That's what he told me.

24 Q. Did you investigate that?

25 A. Of course not.

26 Q. You put forward his excellent
27 record, a man you know to have been convicted
28 and you know at this stage, I suggest, to
29 have been operating illegal activities. You
30 just put forward that, in that way, -- his



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1 war record -- without finding out if it is
2 true?

3 A. Do you mean if I got in touch
4 with the Department of Veterans Affairs?

5 THE COMMISSIONER: Did you make any
6 investigation.

7 A. Not the slightest. No.

8 MR. BREWIN: Q. No. ^Aever made any
9 attempt to investigate the truth of what you
10 passed on as a reason why he should be given
11 a position of trust in operating a finance
12 company?

13 A. Well, this is done -- government
14 offices constantly make their investigations.

15 Q. But you have made reference
16 to McDermott's excellent war record?

17 A. I did.

18 Q. With no investigation at all
19 what it was?

20 A. I haven't the faintest idea.

21 Q. How could you put forward an
22 excellent record if you know nothing about it?

23 A. Because my client advised me
24 of his record.

25 Q. And I suggest that is reckless
26 misrepresentation.

27 A. It is nothing of the sort.
28 You have done that in your practice constantly.

29 Q. I assure you I have never
30 put forward statements which have been put



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The first of these is the fact that the

author

has been able to do this in a very

simple and direct manner, and the

result is a book which is both

interesting and

valuable to the reader.

The second of these is the fact that

the author has been able to do this

in a very simple and direct manner,

and the result is a book which is

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The fourth of these is the fact that

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and the result is a book which is

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interesting and valuable to the

reader.

The fifth of these is the fact that

the author has been able to do this



forward recklessly and falsely.

A. I am under oath Mr. Brewin.

(Page 7065 follows)



AMERICAN MEDICAL ASSOCIATION

Published Weekly, except during the Summer Months

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1 MR. BREWIN: Q. Yes, I know you are.

2 Mr. Herman, you are treasurer, I gather
3 of the metropolitan Toronto branch, is it, of
4 the Progressive Conservative --

5 A. Toronto Progressive Conservative
6 Association.

7 Q. Is the Treasurer an honorary
8 title?

9 A. The treasury amounts to \$600. so
10 I suppose I am responsible for that money.

11 Q. That is all it amounts to?

12 A. May be 650.

13 .. You make me feel almost sympathetic.

14 A. This is just an administrative
15 committee.

16 Q. You do not handle political contri-
17 butions? If political contributions were made
18 by McDermott and Feeley you do not know anything
19 about it?

20 A. Nothing. I know nothing about any
21 contribution that McDermott or Feeley may have
22 made.

23 Q. Do you know anything about political
24 contributions generally, how we find out about
25 them?

26 THE COMMISSIONER: Just a minute. There
27 is some limit to the scope of this inquiry.

28 MR. BREWIN: I just want to know if he knows
29 about it.

30 A. Yes, I do.



MR. BROWN: Yes, I know it is.

MR. BROWN: Yes, I know it is.

of the metropolitan Toronto branch, is it, or

the Metropolitan Toronto branch?

MR. BROWN: Yes, I know it is.

Metropolitan

MR. BROWN: Yes, I know it is.

Metropolitan

MR. BROWN: Yes, I know it is.

MR. BROWN: Yes, I know it is.

MR. BROWN: Yes, I know it is.

MR. BROWN: Yes, I know it is.

MR. BROWN: Yes, I know it is.

MR. BROWN: Yes, I know it is.

Metropolitan

MR. BROWN: Yes, I know it is.

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MR. BROWN: Yes, I know it is.

MR. BROWN: Yes, I know it is.

Metropolitan

MR. BROWN: Yes, I know it is.

MR. BROWN: Yes, I know it is.

MR. BROWN: Yes, I know it is.

Metropolitan

MR. BROWN: Yes, I know it is.



1 THE COMMISSIONER: Supposing he does, what
2 relevance has that here?

3 MR. BREWIN: It might have considerable
4 relevance, if part of the instruments they used
5 in these matters was the influence of any political
6 contributions. In innumerable cases in other
7 jurisdictions political contributions is a
8 way they have sought to gain influence.

9 Q. I don't know anything about any
10 contributions made by the people you mentioned;
11 I have never heard of any such contributions.

12 MR. MACKINNON: I wonder, Mr. Commissioner,
13 if this witness could tell you who the minister
14 was that made the complaint to him.

15 THE COMMISSIONER: What difference does
16 it make; it was only a complaint as to traffic.

17 MR. MACKINNON: I am interested in how he
18 ended up in Mr. Herman's office.

19 THE WITNESS: The minister? He is the
20 Rev. Richard Jones, who is a director of the
21 Canadian Association of Christians and Jews.
22 He lives in the vicinity. I am an executive member
23 of the council and he is a director of the council.

24 -----
25
26 EXAMINATION BY MR. MACKINNON:

27 Q. How would he know you had anything
28 to do with this club is what I am interested in.
29 There are a lot of lawyers who are members of
30 associations.



How you answered will be sent to me on 11 November

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Dr. Richard Lamm, who is a director of the

• I live in the vicinity of . . . I am now on my way to . . .

7 the council and he is a director of the council.

[illegible]

doi:10.1017/S0022292412001619

to a degree and was required to feel a bit odd

● 2000年1月1日起



1 A. Yes. This happened at the time
2 the proceedings before Mr. Gudney. My name was
3 mentioned, that I had appeared on behalf of the
4 club before Mr. Gudney. That is in 1960, I
5 believe; two years ago. I remember him discussing
6 the newspaper reports or him mentioning them
7 to me.

8 Q. Very well. I have the name; I
9 can speak to him.

10 A. Of course.

11 THE COMMISSIONER: Mr. Rose?
12 -----
13

14 EXAMINATION BY MR. ROSE:

15 Q. During the time you were acting for
16 Peeley and McDermott did you have a discussion
17 with McDermott concerning certain 'phone calls
18 he was receiving from a person representing
19 himself as an officer of the Ontario Provincial
20 Police?

21 A. Yes. He mentioned -- He told me
22 that he had received some telephone calls from
23 someone who claimed he was with the Ontario
24 Provincial Police and who said he was going to
25 tip him off on raids, with reference to tipoffs,
26 and so on. He asked me what he should do about it.
27 you
28 I said, "Do you know who is making the calls?"
29 He said, "No". I said, "Do you know why he was
30 making the calls"; and he said no, he didn't.
I said, "Jolly him along and perhaps you can





1 find out who is making the calls and when you
2 find out you can then report it"; and he thought
3 that was a good idea. And that was the only
4 discussion.

5 Q. Do you remember when that was?

6 A. I couldn't recall. It is some time
7 ago.

8 Q. All right, thank you.

9 THE COMMISSIONER: Mr. Wilson, any further
10 questions?

11 MR. WILSON: Yes.

12
13
14 EXAMINATION BY MR. WILSON:

15 Q. You said you had some arrangement
16 with the Attorney General to avoid harassment,
17 as you put it, of the clubs after the issue of the
18 provincial charters.

19 A. That is correct.

20 Q. There has been filed here as Exhibit
21 76 a memorandum dated July 12, 1957, from the
22 Commissioner of Police, Mr. McNeil. This particular
23 one was directed to No. 5 District but, in fact,
24 they were sent to Districts 1, 4 and 5 immediately
25 after the issue of the charters. It reads:

26 "Confirming instructions received
27 "by you this date from Assistant Commissioner
28 "J. Bartlett of this General Headquarters,
29 "dealing with the marginally-named subject,
30 "I wish to advise that the personnel of



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1 "the Force under your supervision must
2 "be instructed to discontinue checking
3 "drivers and taking the names of occupants
4 "of vehicles entering the marginally-
5 "named premises.

6 "Periodical observations may be
7 "continued, and it is understood that if
8 "the results of such observations warrant
9 "a raid, appropriate action must be taken
10 "without further instructions from this
11 "General Headquarters."

12 A. Yes.

13 Q. Do you say this is consistent
14 with what you have just told us in evidence
15 this morning?

16 A. Perfectly consistent.

17 Q. That fairly represents what you
18 understood to be the position?

19 A. Oh, yes. I may have been unfortunate
20 in using the word 'complaint'. What I meant was
21 that there should be any cause for this.

22 Q. Following the issue of the charters
23 it was only a matter of weeks until you started
24 to write and complain about police action?

25 A. I think that is so.

26 Q. By Exhibit 178y, the letter of July
27 31, 1957, which we have already read, you complained
28 about the police activity at the Frontier Club?

29 A. Yes.

30 Q. And, then, by Exhibit 178a, September





1 the 12th, 1957, you wrote complaining about the
2 police activity on behalf of all three clubs,
3 the Frontier, the Roseland and the Centre Road?

4 A. Yes, that is right.

5 Q. And did you get any reaction from
6 the Attorney General's Department in respect
7 of those two complaints?

8 A. Other than a letter acknowledging
9 receipt of my complaints I don't think I ever
10 discussed it with him.

11 A. That is about all you got?

12 A. That is about all I got.

13 Q. And the police activity did not
14 stop?

15 A. Not as far as I know.

16 Q. So there was certainly no understanding
17 on the part of the Attorney General's Department
18 or the police that the course of action they had
19 pursued earlier in the year while the three
20 clubs were still under federal charter would not
21 be continued after the issuance of the provincial
22 charters?

23 A. The understanding only concerned
24 the harassment and stopping of drivers, and so on.

25 Q. Did the harassment, as you put it,
26 stop after the issuance of the provincial charters?

27 A. Well, obviously not.

28 Q. That is all, thank you.

29 THE COMMISSIONER: That is all.

30 ---The witness withdraws.



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1 MR. WILSON: Now, I will call Constable
2 Scott.

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5
6 GEORGE SCOTT, recalled.

7 THE COMMISSIONER: Q. You are still under
8 oath, Constable.

9 A. Yes, sir.

10
11
12 EXAMINATION BY MR. WILSON:

13 Q. I produce to you a document which
14 is headed "Transcript of Excerpts from the Telephone
15 Call from Provincial Constable G. Scott to Joseph
16 McDermott on Monday, May 16, 1960, at approximately
17 7.30 p.m." Now, it has not been filed, Mr.
18 Commissioner, as an exhibit in these proceedings.
19 It has been referred to and, in fact, parts of it
20 have been read into the Record. I think you have
21 told us about the conversation you had with Mr.
22 McDermott on that date?

23 A. Yes, sir.

24 Q. And is that a transcript -- a true
25 transcript of the conversation that you had with
26 Mr. McDermott on that date?

27 A. Yes, on a quick reading this is a
28 copy of the transcript of the telephone calls.

29 Q. How was this record of that con-
30 versation made?



THE UNITED STATES OF AMERICA

1900

IN SENATE

REPORT

OF THE

COMMISSIONERS

OF THE

LAND OFFICE

IN RESPONSE TO A RESOLUTION

PASSED BY THE SENATE

ON FEBRUARY 2, 1899

AND PRINTED BY THE

GOVERNMENT PRINTING OFFICE

WASHINGTON, D. C.

1900

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A. It was recorded on tape.

Q. And, then, --

THE COMMISSIONER: Q. Connected with the telephone?

A. Pardon?

Q. Connected with the telephone?

A. It was done by means of placing the Mike to the ear piece of the telephone. An ordinary microphone.

MR. WILSON: Q. In looking over the transcript there are certain places where there are broken lines. What does that indicate?

A. Those are parts that are inaudible. They cannot be heard. They are distorted.

Q. That is all, thank you.

THE COMMISSIONER: Any questions?

MR. WILSON: Exhibit 190.

---EXHIBIT NO. 190: Transcript of Excerpts from the Telephone Call from Provincial Constable G. Scott to Joseph McDermott on Monday, May 16, 1960, at approximately 7.30 P.M.

THE COMMISSIONER: That is all.

---The witness withdraws.



১৯৩৩ খ্রিঃ



1 MR. WILSON: The next witness I propose
2 to call, Mr. Commissioner, will be a little
3 while, do you want to take the morning break

4 now?

5 THE COMMISSIONER: No, not yet.

6 MR. WILSON: I will call Sam Balsom.

7 Mr. Keenan, Mr. Commissioner, is representing
8 Mr. Balsom and he informs me he wants to make
9 some ^{on} representations on behalf of his client.

10 MR. KEENAN: My Lord, I have been consulted
11 by Mr. Balsom with reference to his subpoena
12 in this matter and the question of giving evidence.

13 I have advised him as to his position
14 I think ^c identically to the way in which Mr. Rose
15 has advised his clients on the question of his
16 compelability as a witness and also as to what,
17 if any, privileges he may have with regard to not
18 answering on the grounds of criminalization.

19 I was present and heard the stated case
20 disposed of yesterday morning, and your Lordship
21 was upheld in the ruling, that your Lordship took
22 the position under the Ontario and Canada Evidence
23 Act the witness was compelled to answer. My Lord,
24 I have taken the position that, because the
25 Canada Evidence Act - I am not going to rehash
26 Mr. Rose' argument - that, because the Canada
27 Evidence Act applied to only matters dealt with
28 by parliament, and in view of the fact this was
29 a provincial inquiry, it may well have been that
30 Balsom would not be required to answer questions



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1 because of his common law privilege, which I
2 advised him may not have been invaded in a
3 provincial inquiry.
4

5 Your Lordship will recall, even in Alex
6 v. Macrae the Chief Justice of the High Court
7 suggested, even under the Dominion Inquiries Act,
8 there may have been a possibility that a witness
9 could object to answering at common law.

10 Mr. Rose advises me that he is making
11 application for leave to appeal to the Supreme
12 Court of Canada on your ruling and I would,
13 respectfully, request that Balsem be excused
14 pending the disposition of that application, which
15 he advises me is being expedited.

16 Is that correct?

17 MR. ROSE: May be expedited.

18 MR. KEENAN: It would be unfortunate, I
19 suggest to your Lordship, if it were held that
20 he did have a common law right to refuse to answer
21 incriminating questions; it would be of cold comfort
22 to him if he were compelled to make answers over
23 his objection at this stage of the proceedings.

24 Balsem is well-known to me - I am from his
25 community - and he is not in exactly the same
26 position as witnesses who come here apparently
27 unswayed when he takes the stand. Balsem, from
28 reading the papers, seems to be suggested to be
29 a known bookmaker - I think that is the common
30 appellation I have heard and read about here -
and if that is in fact his calling I suggest,



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I am not sure if I have mentioned this before
but I have been thinking about it for some time
and I am sure that it is a very important matter.

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1 your Lordship, it is patent that he may be
2 immediately asked questions which would incriminate
3 him.

4 I would ask your Lordship to consider
5 having Balsam excused until this motion of
6 Mr. Rose' is dealt with.

7 THE COMMISSIONER: I do not think I will
8 do that. You will have to be on the alert as his
9 examination proceeds and govern yourself by
10 what you think his rights are.

11 -----
12
13
14 SAN BALSAM, sworn.

15 EXAMINATION BY MR. WILSON:

16 Q. Where do you reside?

17 A. 289 Pelham Road, St. Catharines,
18 Ontario.

19 Q. How old are you?

20 THE COMMISSIONER: Q. What road?

21 A. Pelham, P-e-l-h-a-m.

22 MR. WILSON: Q. How old are you?

23 A. I am in my 43rd year.

24 Q. What have you ever worked at after
25 you left school?

26 A. Oh, numerous jobs. Truck driving.

27 THE COMMISSIONER: Q. How far
28 did you go in school?

29 A. Two and a half years of high school
30 at St. Catharines Collegiate Institute.



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1 MR. WILSON: Q. What was the last time
2 you ever had any gainful employment?

3 A. I would say approximately five years
4 ago.

5 Q. That takes us back --

6 A. Gainfully, under the sense of --
7 What did you mean "gainfully"?

8 Q. Gainfully, as opposed to something
9 where you do nothing but appear to live in
10 affluence?

11 A. Well, I taught bowling all last
12 year and a half.

13 Q. Let us go back to the last job
14 you had five years ago: What was that job?

15 A. I sold cookware for myself.

16 Q. You sold what?

17 A. Cookware.

18 Q. Cookware for yourself. And how
19 many years did you do that?

20 A. Well, not quite a year, sir.

21 Q. Before that where did you work?

22 A. Prior to that -- Could I plead the
23 Canada Evidence Act?

24 Q. Prior to that you can certainly
25 plead the Canada Evidence Act.

26 THE COMMISSIONER: Q. Do you want the
27 protection of the Canada Evidence Act?

28 A. Yes.

29 Q. I will grant it to you.

30 A. On this occasion, sir?



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Mr. W. H. D. ...

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A. I would not ...

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1 MR. WILSON: Q. What were you doing
2 prior to working this year you spoke about?

3 A. Took some bets on the horses.

4 Q. For how many years?

5 MR. KENNAN: My Lord, is it necessary
6 that Balsom ask the protection for every question?

7 THE COMMISSIONER: No, I have granted it
8 to him for all of his evidence.

9 THE WITNESS: I can't remember how many
10 years. My goodness. It isn't that many years.
11 The act of bookmaking; if somebody gives you a
12 bet, if they don't want to give it to you tomorrow
13 that is no more bookmaker.

14 MR. WILSON: Q. I think we all understand
15 how you operate a bookmaking business. Since
16 you left school have you worked at anything else?
17 You said something about truck driving?

18 A. I lived six years in Pittsburgh with
19 my uncle.

20 THE COMMISSIONER: Q. When did you quit
21 that job?

22 A. Which job is that, sir?

23 Q. The one working for your uncle?

24 A. I said I lived with my uncle in
25 Pittsburgh.

26 Q. I thought you said you worked for
27 your uncle in Pittsburgh for six years?

28 A. No.

29 MR. WILSON: No, he said he lived there,
30 Mr. Commissioner.



4



1 Q. How old were you when you went to
2 Pittsburgh?

3 A. 16.

4 Q. And you stayed there six years?

5 A. Yes.

6 Q. Did you do any work in Pittsburgh?

7 A. Yes, certainly. I drove a truck.

8 Q. When you came back to St.
9 Catharines what did you do?

10 A. I joined the Army.

11 Q. How long were you in the Army?

12 A. I couldn't make it, sir.

13 THE COMMISSIONER: Q. You did not join
14 it?

15 A. I signed in.

16 Q. You tried to join.

17 MR. WILSON: It sounds like a television
18 show.

19 Q. You did not carry on with that?

20 A. No, I couldn't.

21 THE COMMISSIONER: Q. You returned to
22 St. Catharines and tried to join the Army but you
23 could not get in. Is that right?

24 A. That's right, sir.

25 Q. Is that right?

26 A. Yes.

27 MR. WILSON: Q. Apart from bookmaking
28 what other work have you had since then?

29 A. Well, I worked in McKinnon's.

30 Q. How long?

[illegible]



1 A. I can't rightly remember. I
2 don't know.

3 THE COMMISSIONER: Q. Well, roughly?

4 A. Its years ago. I worked for a
5 construction company.

6 MR. WILSON: Q. You have not told the
7 Commissioner how long you worked for McKinnon's.
8 Was it a month or two weeks?

9 A. I can't remember. That's back in
10 1940 to 1944, something like that. I can't
11 remember that far back.

12 Q. You have not a poor memory, have
13 you?

14 A. Not that good.

15 Q. In the bookmaking business you have
16 to have a good memory?

17 THE COMMISSIONER: Q. Did you work there
18 for as long as a year or less?

19 A. I would say less than a year.

20 Q. Six months or less?

21 A. I couldn't remember the months.

22 Q. Would it be fair to say you worked
23 there almost six months?

24 A. No, I couldn't give you the months
25 because I can't just do it.

26 Q. Would it be longer than six months?
27 I don't expect you to remember to a day.

28 A. I can't remember.

29 Q. Are you chewing gum?

30 A. No, sir. It could be -- I just



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Page 2 of 2

● 2013 年 12 月 10 日 星期一 12:00



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1 couldn't remember how long. You know, it's ---

2 Q. You worked for McKinnon's for
3 some time less than a year, in any event.

4 MR. WILSON: Q. Where else did
5 you work?

6 A. I worked for Fruit Belt Produce
7 for over a year. I can't remember for how
8 long.

9 THE COMMISSIONER: Q. What is the name
10 of the firm?

11 A. Fruit Belt Produce, J. Stevens
12 Produce.

13 MR. WILSON: Q. What was your job
14 there?

15 A. Driving a truck and buying fruit.

16 Q. Did you have any other jobs?

17 A. I worked for Mal Nicholson
18 Construction for over a year.

19 Q. What did you do for him?

20 A. Drove a truck.

21 Q. About when did that -- did you
22 have that job?

23 A. I beg your pardon?

24 Q. About what time did you have the
25 job with Stevens?

26 A. I think it was after the McKinnon
27 job, working at General Motors.

28 Q. All right. Now, have you had
29 any other jobs after you came back from
30 Pittsburgh, except McKinnon and this Fruit Produce



--- 6' 11" 100% 100% 100% 100%

1. You wanted to know how to get a job.

“There was at that time a great deal of trouble”

For over a year, I have been

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[illegible]

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1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26



1 and Mal Stevens (sic)?

2 A. Mal Nicholson, sir.

3 Q. Nicholson.

4 A. Well, I can't remember right now.

5 THE COMMISSIONER: Q. Well, I suppose

6 if you had another job you would remember it,

7 would you? Can you think of any other job

8 you had after you left Nicholson's?

9 A. I am trying to think but I just --

10 Q. All right. Can you think of

11 any other job you had after you left

12 Nicholson's? Yes or no?

13 A. Right now I can't, my lord.

14 Q. All right. That is a good
15 enough answer. "I can't think of any other
16 job I had after I left Nicholson".

17 MR. WILSON: Q. And during the last
18 five years did I understand you to say you
19 taught bowling?

20 A. The last two years.

21 Q. The last two years?

22 A. Yes.

23 Q. Where did you teach bowling?

24 A. Mid-Town Bowling Alley in Niagara
25 Falls, and I have bowled for, you know, for
26 money, that is.

27 THE COMMISSIONER: Q. What?

28 A. Bowled for money.

29 Q. Professional games?

30 A. Professional bowling.



1 MR. WILSON: Q. How much have you made
2 out of bowling in the last two years?

3 A. Well, last year I made enough to
4 keep the wife and family.

5 Q. I am asking you: How much?

6 A. I haven't a record of it, sir.

7 Q. You do not know how much you made?

8 A. No, sir.

9 Q. Have you any idea how much you
10 made?

11 A. No, sir.

12 Q. Was it \$500?

13 A. It would have to be more than
14 that.

15 Q. It would have to be more than
16 that. How much more would it have to be?

17 A. I don't rightfully know. I
18 just live from day to day, sir.

19 Q. When you were in the States for
20 these six years were you in prison there?

21 A. No, sir. I just lost -- I
22 was deported, like.

23 Q. You were deported from the United
24 States?

25 A. Yes.

26 Q. For what reason?

27 A. For being an alien and the --
28 a lottery charge.

29 THE COMMISSIONER: Q. What?

30 A. I had a lottery charge over there.



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1 MR. WILSON: Q. There was a lottery
2 charge against you in Pittsburgh?

3 A. And deported, 1940.

4 Q. Just look over this sheet and
5 tell me whether or not it properly sets out
6 your police record.

7 THE COMMISSIONER: Q. Does it?

8 A. I should imagine so.

9 Q. You imagine? I do not want
10 you to imagine.

11 A. I can't remember back this far.
12 This is 1948 -- I mean, that's not all a person
13 has to think about. It -- I guess it's the
14 record.

15 Q. Were you convicted of any other
16 offences besides these?

17 A. No.

18 Q. I see. You were convicted of
19 these, were you?

20 A. Yes. I guess --

21 Q. All right.

22 MR. WILSON: That will be Exhibit 191.

23
24 ---EXHIBIT NO. 191: Criminal record of Sam
Balson.

25
26 Q. Just for the record, all the
27 offences were at St. Catharines. They are
28 as follows: November 6th, 1948, convicted
29 of keeping a common betting house and fined
30 \$100 and costs. June 13, 1951, found-in gaming



Q. Now, did you see the man who was with the woman?
A. Yes, I saw him. He was with the woman when she was talking to the man who was with her.
Q. Did you see the man who was with the woman?
A. Yes, I saw him. He was with the woman when she was talking to the man who was with her.

Q. Did you see the man who was with the woman?
A. Yes, I saw him. He was with the woman when she was talking to the man who was with her.
Q. Did you see the man who was with the woman?
A. Yes, I saw him. He was with the woman when she was talking to the man who was with her.

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A. Yes, I saw him. He was with the woman when she was talking to the man who was with her.

Q. Did you see the man who was with the woman?
A. Yes, I saw him. He was with the woman when she was talking to the man who was with her.
Q. Did you see the man who was with the woman?
A. Yes, I saw him. He was with the woman when she was talking to the man who was with her.

Q. Did you see the man who was with the woman?
A. Yes, I saw him. He was with the woman when she was talking to the man who was with her.
Q. Did you see the man who was with the woman?
A. Yes, I saw him. He was with the woman when she was talking to the man who was with her.

Q. Did you see the man who was with the woman?
A. Yes, I saw him. He was with the woman when she was talking to the man who was with her.
Q. Did you see the man who was with the woman?
A. Yes, I saw him. He was with the woman when she was talking to the man who was with her.



1 house, fined \$25 and costs. May 1, 1952,
2 found-in gaming house, fined \$100 and costs.
3 April 27, 1954, found-in gaming house, fined
4 \$6 and costs.

5 Q. Why was the fine so low that time?

6 A. I have no -- nothing to do
7 with the fines.

8 THE COMMISSIONER: He did not object.

9 MR. WILSON: No, I know he did not;
10 I just wondered what he had to say about that.
11 the
12 Finally, October 8th, 1959, keeping a
13 gaming house, fined \$450 and costs.

14 Q. Now, where was the location of
15 the premises that are referred to in that
16 last conviction of October 8, 1959?

17 A. I think that they were on my
18 own house.

19 Q. Where was that?

20 A. 289 Polham, sir.

21 Q. Now, do you know Joseph McDermott?

22 A. Yes, sir.

23 Q. How long have you known him?

24 A. Well, it's been so long I just
25 couldn't remember. You know -- For a period
26 of ten years.

27 Q. What has your association been?
28 Has it been a social one?

29 A. Oh, I have -- I have discussed
30 gambling with him, horses -- (unintelligible).

Q. And made a bet?



1944, I was again with the 1st Army, and

1990 1991 1992

THESE ARE THE NAMES OF THE

U.S. DEPARTMENT OF AGRICULTURE

Journal of Management Inquiry 20(4) December 2011 393-406

[illegible]



1 A. Just horses.

2 Q. With him?

3 A. He-hum.

4 THE COMMISSIONER: Q. You are not very
5 clear. Known him for ten years, discussed
6 gambling with him.

7 A. Horses.

8 Q. Discussed gambling with him?

9 A. That is, horses.

10 MR. MACKINNON: He said something about
11 making a bet, sir.

12 THE COMMISSIONER: I will get it, Mr.
13 Mackinnon; do not be impatient.

14 Q. You discussed gambling on horses.
15 Is that what you mean?

16 A. Yes.

17 Q. Is that it?

18 A. That's about all.

19 Q. I do not want that answer. That
20 is all?

21 A. Yes, sir.

22 Q. You are on oath.

23 A. Yes, sir, that is all on horses.

24 Q. What?

25 A. Horses; yes, sir.

26 Q. All right.

27 MR. NELSON: Q. Do you know Vincent
28 Feeley?

29 A. Yes, sir.

30 Q. How long have you known him?

[illegible]

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

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1 A. I would say less than two years.

2 THE COMMISSIONER: Less than three years?

3 A. Less than two. Two or three,
4 maybe.

5 MR. WILSON: Q. Where did you meet him?

6 A. Well, I was coming from Toronto
7 and I dropped in at that club down there, and
8 it was early and he was there and I --

9 Q. Which club are you talking about?

10 A. The club out by Centre Road. And
11 I stopped in there and, you know, looking for
12 a card game or something, and it was early
13 and he happened to be there and I said hello
14 to him, and that was it. There was nothing.
15 And I came home.

16 Q. It was early for the game to start?

17 A. There was nobody there.

18 Q. So you went home?

19 A. I didn't know what was going to
20 start. I figured I could play cards with
21 somebody.

22 Q. Do you file an income tax return?

23 A. No, sir.

24 Q. Why not?

25 A. Well, -- That's hard to answer,
26 sir.

27 Q. That is hard to answer.

28 THE COMMISSIONER: Q. What do you mean
29 by that?

30 A. I never had, actually, an income



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1. The first step is to identify the problem or goal.

of the same kind as the one in the previous section.

THE OFFICE OF THE SECRETARY OF THE ARMY

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1 that -- steady income.

2 THE COMMISSIONER: We will have a recess
3 now.

4 ---Short recess.

5
6 MR. WILSON: Q. Do you know former
7 Constable Robert J. Wright of the Ontario
8 Provincial Police?

9 A. No, sir.

10 Q. Did you know former Constable
11 Lawrence of the Provincial Police?

12 A. To see, yes, sir. Yes.

13 Q. When you say to see --

14 A. Yes, I know him, sure.

15 Q. Have you ever talked to him?

16 A. Yes, sir.

17 Q. On many occasions?

18 A. Well, maybe two.

19 Q. Maybe.

20 A. Hm-hum.

21 Q. Where?

22 A. Once I talked to him in Burlington
23 and another time I talked to him in a bowling
24 alley.

25 Q. We will go into those with
26 greater particularity later. Where was the
27 bowling alley?

28 A. Right over at Olympia.

29 Q. Here in Toronto?

30 A. Yes, sir.



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1 Q. You say those were the only two
2 occasions when you spoke to former Constable
3 Lawrence?

4 A. That is all I can remember, sir.

5 Q. That is all you can remember?

6 A. Yes, sir.

7 Q. What about former Constable
8 Lamorie, do you know him?

9 A. Yes, sir.

10 Q. When did you first meet him?

11 A. Well, I saw him alongside of
12 Sergeant Anderson and Kobelka and Vertolli
13 and the whole bunch of them. They used to
14 come to the bowling alley.

15 Q. What bowling alley was that?

16 A. And he was --

17 Q. What bowling alley was that?

18 A. In St. Catharines.

19 Q. What is the name of it?

20 A. Parkway Lanes. And he was one
21 of the officers who made a raid on my house.
22 That is the first time I actually saw him.

23 Q. When was that?

24 A. I can't rightly remember, sir.

25 Q. Do you know what year it was?

26 A. Well, that was the last time.

27 Q. Is that the raid on which you
28 were convicted in 1959?

29 A. Yes, sir.

30 Q. You cannot rightly remember that,



the undersigned and I live at 3001

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THE UNIVERSITY OF CHICAGO



1 although you were looking at it about fifteen
2 minutes ago?

3 A. Well, I just looked. I didn't
4 keep the dates.

5 Q. After that raid have you talked
6 to Lamorie since then?

7 A. Yes, sir.

8 Q. On what occasions?

9 A. Well, all the allegations in the
10 paper --

11 THE COMMISSIONER: Q. On what occasions?

12 A. I don't understand.

13 Q. You were asked if you had talked
14 to him since you were raided and convicted
15 in October, 1959. You said yes. Then, the
16 next question is: On what occasions?

17 A. Well, it is 1962 now. That is
18 three years.

19 Q. Yes?

20 A. I have talked to him, because I
21 said I have.

22 Q. In the last three years?

23 A. Yes.

24 Q. On what occasions?

25 MR. WILSON: Q. How many times?

26 A. I would say maybe three.

27 Q. Where?

28 A. Well, Lamorie was at the bowling
29 alley.

30 THE COMMISSIONER: Q. Parkway?



Although you were looking at it with interest

minutes ago

Will I just answer. A little

about that time when you asked

the question about that

the first time

the first time

Well, all the attention is on

page 10

the question is, is the question

the first time

the first time

to him since you were asked and answered

in October, 1955. You said yes. That's

the question is, is the question

Well, it is the same. That is

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1 A. Olympia. It is over here in
2 Toronto.

3 Q. Once in Toronto?

4 A. I talked to him on the phone.

5 Q. How many times?

6 A. I don't know.

7 Q. Well, roughly?

8 A. Well, two or three times. A
9 couple of times, anyway.

10 Q. Yes.

11 Go on. I don't remember.

12 MR. WILSON: Q. Tell us the other
13 times.

14 A. I said the bowling alley.

15 Q. That is right, here in Toronto.

16 A. And at Burlington.

17 Q. Yes. What about St. Catharines?

18 A. I don't remember St. Catharines.

19 THE COMMISSIONER: Q. You do not
20 remember ever talking to him in St. Catharines?

21 A. I doubt it.

22 Q. Pardon?

23 A. I don't remember. I talked to
24 him on the phone.

25 Q. Yes, you told us that. Let me
26 explain something to you, witness. If you
27 remember meeting him in St. Catharines and
28 here swear that you do not, that is perjury.

29 A. I already said I met him with
30 Sergeant Anderson and Kobelka and then in



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1 St.Catharines.

2 Q. Yes, you told me that.

3 A. I might have talked to him --
4 They were there watching me bowl and I might
5 have said hello. Is that talking to him?

6 Q. Yes.

7 A. So, I should imagine I talked
8 to him.

9 Q. All right.

10 A. Right.

11 Q. I have explained to you, you just
12 keep that in mind.

13 A. Yes.

14 MR. WILSON: Q. Did not you see Lameric
15 about four weeks ago in Port Erie?

16 A. I saw him but I can't remember
17 how long ago.

18 Q. You remember it pretty well, don't
19 you?

20 A. No, sir.

21 Q. What?

22 A. No, sir.

23 Q. What was the occasion?

24 A. Well, all these allegations, I
25 figured that due to my record, which you have
26 so flagrantly produced there, that everybody
27 likes to, you know, name me for everything. I
28 wondered what it was all about.

29 THE COMMISSIONER: Q. Just stick to
30 the question. You talked to him in Port Erie.



... ..



1. The first group of items is the "A" group.

1. 1. The first step in the process of the scientific method is to ask a question.
 2. 2. The second step is to do background research.
 3. 3. The third step is to form a hypothesis.
 4. 4. The fourth step is to test the hypothesis.
 5. 5. The fifth step is to analyze the data.
 6. 6. The sixth step is to draw a conclusion.
 7. 7. The seventh step is to communicate the results.
 8. 8. The eighth step is to repeat the process.
 9. 9. The ninth step is to evaluate the results.
 10. 10. The tenth step is to publish the results.

~ ~ ~ ~ ~



1 Roughly, how recently?

2 A. I don't remember, sir.

3 Q. Oh, now, please. Was it within
4 the last month?

5 A. I would say a little longer, maybe.

6 Q. Within the last two months?

7 A. You mean, did I go to Fort Erie
8 to talk to him?

9 Q. Did you talk to him in Fort Erie
10 within the last two months?

11 A. Yes, I should imagine.

12 Q. And now, we have dragged that
13 out.

14 MR. WILSON: Q. After you were sub-
15 poenaed as a witness to appear before this
16 Commission who did you speak to about what
17 evidence you were going to give here?

18 A. Myself.

19 Q. You spoke to yourself?

20 A. Yes, sir.

21 THE COMMISSIONER: Q. Anybody else?

22 A. No, sir.

23 Q. Are you sure?

24 A. Sure I am sure. The evidence --
25 Like -- I can only tell the truth.

26 Q. Just a moment. "From the time
27 of serving a subpoena I have not talked with
28 anybody about the evidence" you will give.
29 Is that what you are saying?

30 A. Well, I have said, I can only say



...and, now, recently

Q. I don't remember, sir.

A. Yes, sir, I don't remember.

Q. Now, what was the last meeting?

A. I don't know, sir.

Q. Within the last two months?

A. Yes, sir, and I go to work there.

Q. Now, what is the name of the place?

A. The place is called the ...

Q. Now, what is the name of the place?

A. Yes, sir, I don't remember.

Q. Now, what is the name of the place?

A. Yes, sir, I don't remember.

Q. Now, what is the name of the place?

A. Yes, sir, I don't remember.

Q. Now, what is the name of the place?

A. Yes, sir, I don't remember.

Q. Now, what is the name of the place?

A. Yes, sir, I don't remember.

Q. Now, what is the name of the place?

A. Yes, sir, I don't remember.

Q. Now, what is the name of the place?

A. Yes, sir, I don't remember.

Q. Now, what is the name of the place?

A. Yes, sir, I don't remember.

Q. Now, what is the name of the place?

A. Yes, sir, I don't remember.

Q. Now, what is the name of the place?

A. Yes, sir, I don't remember.

Q. Now, what is the name of the place?



1 the truth.

2 Q. Please. Oh, I see. To whom
3 did you say that?

4 A. Well, 200 people. They asked
5 me so I said it.

6 MR. WILSON: Q. Let us take these people
7 we have been talking about.

8 THE COMMISSIONER: Just a moment, Mr.
9 Wilson, please.

10 Q. You talked to many people, "and
11 the limit of what I said was that I would tell
12 only the truth?"

13 A. The truth.

14 Q. Only the truth?

15 A. Yes, sir.

16 Q. That was the limit of what you
17 said to any of these people?

18 A. That was the basic.

19 Q. That was the extent of it?

20 A. Yes.

21 Q. I do not want any misunderstanding
22 about this. You talked to many people and
23 the extent --

24 A. Oh, now.

25 Q. Just, please, listen.

26 A. If I talked --

27 Q. Listen to me, please. Listen
28 to me. You have talked to many people and
29 the extent of what you said is simply this,
30 "I will go to the Commission and there I will



THE FIRST.

SECOND. THE I AM, TO WHOM

ALL YOU SAY THAT

A. WILL, FOR PEOPLE. THAT KNOW

AS AS I READ IT.

IT, AGAIN, OF THE IN THE SAME

NO HAVE BEEN THINKING ABOUT.

THE COMMISSIONER: THAT A NUMBER, AT.

WILL, PLEASE.

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1 tell the truth". Is that the limit of what
2 you said when discussing your attendance
3 here at this Commission?

4 A. Well, that's all I could do.

5 Q. Is that the extent of your
6 discussion with people with whom you talked
7 about coming here to give evidence? And,
8 remember, you are on oath.

9 MR. WILSON: Q. Now, did you --

10 THE COMMISSIONER: I want that answered.

11 MR. WILSON: Q. Do you want that read
12 back?

13 THE COMMISSIONER: Q. You do not need
14 that read back. You know my question, don't
15 you? You understand it?

16 A. I am trying to understand it.

17 Q. Well, do you understand it?

18 A. That I have to tell the truth?

19 Q. Do you understand my question?

20 A. No, say it again.

21 Q. You have told me that since you
22 were served with a subpoena you have talked
23 with many people about what your evidence
24 would be when you came here. Is that much so?

25 A. What my evidence would be?

26 Q. Yes, when you came to give
27 evidence before me, you talked with people
28 about what your evidence would be?

29 A. No, they would ask me, "What
30 is this all about?" and I said, "I don't understand



Q. Now, the first of these...

A. Yes, that is correct.

Q. Now, the second of these...

A. Well, that is correct.

Q. Now, the third of these...

A. Yes, that is correct.

Q. Now, the fourth of these...

A. Yes, that is correct.

Q. Now, the fifth of these...

A. Yes, that is correct.

Q. Now, the sixth of these...

A. Yes, that is correct.

Q. Now, the seventh of these...

A. Yes, that is correct.

Q. Now, the eighth of these...

A. Yes, that is correct.

Q. Now, the ninth of these...

A. Yes, that is correct.

Q. Now, the tenth of these...

A. Yes, that is correct.

Q. Now, the eleventh of these...

A. Yes, that is correct.

Q. Now, the twelfth of these...

A. Yes, that is correct.

Q. Now, the thirteenth of these...

A. Yes, that is correct.

Q. Now, the fourteenth of these...

A. Yes, that is correct.

Q. Now, the fifteenth of these...

A. Yes, that is correct.



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it but I am going to tell the truth."

(Page 7100 follows)



1907

LIBRARY

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| 29. The Library's Role in the Cultural Sector | 29 |
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| 40. The Library's Role in the Research Sector | 40 |
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| 50. The Library's Role in the Cultural Sector | 50 |



1 THE COMMISSIONER: That is what I am
2 saying; you told them when you came here you
3 would tell the truth?

4 A. Yes sir.

5 Q. That is the extent of your
6 discussion with them?

7 A. To tell the truth.

8 Q. And that is the extent of your
9 discussion with them?

10 A. (No audible answer)

11 Q. I want that answered.

12 A. You mean I didn't discuss
13 nothing else?

14 Q. That is the extent of your
15 discussion with them as to what you would do
16 when you got here?

17 A. I am here to tell the truth.

18 Q. That is the extent of your
19 discussion with them, as to what you would do
20 when you got here? Is that so?

21 A. (No audible answer)

22 Q. I want that answered and I
23 want you to think about the answer.

24 A. Well, I discussed something
25 with one fellow and he said that he was - - -

26 Q. Never mind what he said; I
27 don't know who you are talking about; never
28 mind about what anybody said to you. I want to
29 know what you said. I don't know who you have
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Q. Now, I am

Q. Now, I am

Q. Now, I am

A. Yes, sir.

Q. That is the extent of your

Q. Now, I am

A. Yes, sir.

Q. That is the extent of your

Q. Now, I am

A. (No further answer)

Q. I want that answered.

Q. Now, I am

Q. Now, I am

Q. That is the extent of your

Q. Now, I am

Q. Now, I am

A. I am now to tell the story.

Q. That is the extent of your

Q. Now, I am

Q. Now, I am

A. (No further answer)

Q. I want that answered and I

Q. Now, I am

Q. Now, I am

Q. Now, I am

A. Now, what was the story?

Q. Now, I am

Q. Now, I am

Q. Now, I am



1 in mind. You have talked with many people
2 about what your evidence would be when you got
3 here, not in detail but the extent of it was
4 that you would come here and tell the truth?

5 A. Well, I am telling the truth.

6 Q. Is that what you told these
7 people?

8 A. I am telling the truth.

9 Q. Is that what you told these
10 people? I am going to insist on you answering
11 that question if it takes from now until the
12 end of the day, so make up your mind.

13 A. Since I was served with a
14 subpoena, that was two months ago.

15 Q. That is so.

16 A. At the bowling alley I met
17 three or four hundred people and approximately
18 fifty of them asked me some - - I have had
19 people
20 people tell my son things, that I was in jail
21 and that I am the worst person in the world,
22 and I went and argued with them.

23 Q. Let me put it just a little
24 differently then. Have you told anyone with
25 whom you have discussed the matter since you
26 were served with the subpoena that you would
27 do anything else besides tell the truth when
28 you got here?

29 A. No, I got to tell the
30 truth here.



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in time. You have talked with many people

about what your business would be with you

and, and in detail for the extent of it

and you would come here and tell me

will it be better or

in that what you said

people

A. I am telling the

in that what you said

people? I am going to

what question is it

end of the day, so

A. Since I was

in that what you said

in that what you said

A. At the

in that what you said

they of them

people tell of

and that I am

and I want

A. Let me

in that what you said

in that what you said

in that what you said

in that what you said

in that what you said

A. I am

in that what you said



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Q. Have you told anybody what position you would take when you got here?

A. I might have jokingly.

Q. Not jokingly. Earnestly?
~~Nonseriously?~~

Now, you just pause because this is important.

I don't want any misunderstanding with you.

And you are not going to hedge because it will get you nowhere.

A. I am not hedging.

Q. Well, you are.

A. You cannot talk the same to one person as you can to another person. Like you could joke with one and you could be serious with somebody else. You don't joke with your lawyer, you don't joke with this -- I might have been joking with somebody. Now, you are putting -- I mean you are putting words in my mouth.

Q. Put it any way you like, whether you said it jokingly or seriously. I don't care which way you put it. Since you were served with the subpoena have you talked with anybody as to the position you would take when you got here and what the substance of your evidence would be?

A. Like I say, jokingly.

Q. Have you or have you not?
Yes or no?

A. I guess I have jokingly.



Q. Have you told anybody what

A. I might have jokingly.

Now, you just pause because this is important.

I don't want any misunderstanding with you.

And you are not going to hedge because it will

A. I am not hedging.

Q. Well, you are.

A. You cannot talk this same to

one person as you can to another person. Like

you could joke with one and you could be serious

with somebody else. You don't joke with your

lawyer, you don't joke with this -- I might

have been joking with somebody. Now, you are

putting -- I mean you are putting words in

Q. Put it any way you like, whether

you said it jokingly or seriously. I don't

care which way you put it. Since you were

anybody as to the position you would take when

you got here and what the substance of your

A. Like I say, jokingly.

Q. Have you or have you not?

A. I guess I have jokingly.



1 Q. You guess you have. What did
2 you say your position would be, the attitude
3 you would take when you got here?

4 A. Well, "It is no picnic here".

5 Q. Is that what you said?

6 A. That's for sure.

7 Q. Anything else?

8 A. Stuff on that line. I cannot
9 remember what I would say to somebody jokingly.

10 Q. Do you know what the penalty
11 for perjury is?

12 A. Well, I am not perjuring my - - -

13 Q. No, no; do you know what
14 the penalty is?

15 A. Well, you could read it off
16 to me.

17 Q. Well, it is a long time in
18 jail.

19 A. I can't help it. I am not
20 perjuring myself.

21 Q. Maybe you can. It is in
22 your hands. I am warning you. Now, come
23 back to it; have you discussed with anybody
24 the position you would take when you got here?

25 A. No sir. Jokingly.

26 Q. Jokingly you did?

27 A. Yes.

28 Q. Now, what jokingly did you
29 say as to the position?
30



1900

4. I will be responsible for you to know I have no more



1 A. Just what I said "It is no
2 picnic here".

3 Q. Is that all?

4 A. That is about all.

5 Q. No no; I am not going to
6 take that "about all". I want to know the
7 extent you have discussed the matter with anybody.
8 I am not satisfied when you say "That is about
9 all".

10 A. The question is not clear
11 to me. You are talking about might I have been
12 discussing it with my child or something?

13 Q. No, no, never mind the child
14 or at home. You don't understand the question?

15 A. No, not rightly, not when
16 you tell me there is perjury there.

17 Q. I will take all sorts of time
18 with you, witness. You and I might just as
19 well understand each other. I am going to see that
20 you understand my question and that you answer
21 it. Now, have you talked with anybody since
22 you were served with a subpoena and said
23 the particular attitude you were going to take
24 when you got here? That question is going to
25 be answered if it takes from now to the end of
26 the week.

27 A. (No audible answer).

28 Q. What is your answer?

29 A. You say that I said it
30



Q. Now, I want to ask you a question.

A. Yes, I want to ask you a question.

Q.

A. Yes, I want to ask you a question.

Q. Now, I want to ask you a question.

A.

Q. Now, I want to ask you a question.

A.

Q. Now, I want to ask you a question.

A.

Q. Now, I want to ask you a question.

A.

Q. Now, I want to ask you a question.

A.

Q. Now, I want to ask you a question.

A.

Q.

A. Yes, I want to ask you a question.

Q.

A. Yes, I want to ask you a question.

Q.

A. Yes, I want to ask you a question.

Q.

A. Yes, I want to ask you a question.

Q.

A. Yes, I want to ask you a question.

Q.

A. Yes, I want to ask you a question.

Q.

A. Yes, I want to ask you a question.

Q.

A. Yes, I want to ask you a question.

Q.

A. Yes, I want to ask you a question.

Q.

A. Yes, I want to ask you a question.

Q.

A. Yes, I want to ask you a question.

Q.

A. Yes, I want to ask you a question.

Q.

A. Yes, I want to ask you a question.

Q.

A. Yes, I want to ask you a question.

Q.

A. Yes, I want to ask you a question.

Q.

A. Yes, I want to ask you a question.

Q.

A.

Q. (No answer.)

A.

Q. (No answer.)

A.

Q. (No answer.)

A.



1 jokingly is no good?

2 Q What is your answer to the
3 question? You understand the question, don't
4 you? If you tell me you don't understand the
5 question, I will tell you I don't believe you.
6 The question was just as plain as anyone could
7 put it, and I am going to stay here until you
8 answer it, and you are going to stay there.
9 Just make up your mind. Now, what is your
10 answer; yes or no?

11 A I don't understand the
12 question. That is why I am standing here
13 listening to you.

14 Q Witness, I don't believe you.

15 A Well, nobody wants to believe
16 me.

17 Q If you stand there and protest
18 to me that you don't understand the question
19 when in fact you do, that is perjury.

20 A Is it?

21 Q Yes, it is.

22 A Well, I still don't under-
23 stand what you mean by - - you said any person,
24 you said some person or any person?

25 Q Any person at all?

26 A I said I did.

27 Q All right. What did you tell
28 them your attitude would be that you would take
29 when you got here?



January 12, 1902

Dear Mr. [Name]

I have just received your letter of the 10th inst.

and am glad to hear that you are well.

I will be glad to hear from you again.

I am sure you will find the enclosed of interest.

I am, Sir, very respectfully,

Your obedient servant,

[Signature]

[Name]

I am, Sir, very respectfully,

Your obedient servant,

[Signature]

I am, Sir, very respectfully,

Your obedient servant,

[Signature]

I am, Sir, very respectfully,

Your obedient servant,

[Signature]

I am, Sir, very respectfully,

Your obedient servant,

[Signature]

I am, Sir, very respectfully,

Your obedient servant,

[Signature]

I am, Sir, very respectfully,

Your obedient servant,

[Signature]

I am, Sir, very respectfully,



E. Balson

7106

1
2 A. That it would be no picnic
3 up here.

4 Q. That is just describing what
5 it would be like, but the position you were going
6 to take?

7 A. That I must tell the truth.

8 Q. Is that all? Think about
9 that.

10 A. (No audible answer)

11 Q. Let me tell you this, witness,
12 so you will have no misgivings about it; you
13 are just on the brink of a perjury charge.
14 Make up your mind. Now, what is your answer?
15 You are not going to get away from me.

16 A. What; that I discussed
17 what I am going to do up here?

18 Q. What your attitude would be
19 when you get here in the witness box and were
20 asked questions?

21 A. Are you talking about - -
22 oh - - you mean that I was talking to somebody
23 and said that I was going to say something?

24 Q. I am asking you.

25 A. Well, last week a fellow
26 called me up and asked me what this is all about
27 and I said to him "I don't know what you are
28 talking about. You tell them what you are
29 going to tell them. I have to tell them my own
30 way".

[illegible]



1

Q. All right; who was that

2

man?

3

A. McGroarty, Mickie McGroarty.

4

Q. Who is he?

5

A. A fellow from St. Catharines.

6

Q. How do you spell his name?

7

A. M-c-G-r-o-a-r-t-y, I think

8

it is.

9

Q. St. Catharines, did you say?

10

A. Yes sir.

11

Q. All right. Now, he is one.

12

What did you say to him?

13

A. Well - - -

14

Q. What did you say to him,

15

please?

16

A. He told me he got a subpoena.

17

Q. Never mind what he said; what

18

did you say to him?

19

A. Well, I said, "If you got a

20

subpoena, I got to go up there and that is all

21

I got to tell them exactly what I got to tell

22

them and you can tell them exactly what you

23

feel like telling. I don't know. I don't know

24

any of your business and what you are doing.

25

And all I can do is talk my own business up

26

here".

27

MR. WILSON: Q. Where did that

28

conversation take place?

29

A. On the phone.

30

Q. And this man, McGroarty,



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2-10-1917

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1 is that the only time you have talked to him
2 about this Commission since you were subpoenaed?

3 A. No. I talked to him a
4 couple more times since I was subpoenaed.

5 THE COMMISSIONER: How many times
6 on the phone?

7 A. Oh, approximately four or
8 five times. He is a sick man and the one
9 time - - -

10 Q. Never mind; four or five
11 times on the phone. Any other times?

12 A. Well, that's about it.
13 I can't remember how many times.

14 Q. Please. Four or five times
15 on the phone. Any other times?

16 A. In church.

17 Q. That was a good place. Any
18 other places?

19 A. Oh, he came up to the golf
20 course and told me somebody ^{scared} ~~stared~~ him or
21 something, and I was playing golf, and that
22 was it there.

23 Q. All right. Four or five
24 times on the phone. How many times did you
25 say - - you said in church?

26 A. Yes sir.

27 MR. WILSON: Q. How many times in
28 church?

29 A. Oh, Sunday.
30



is that the only time you have talked to him
about this situation since you were engaged?

A. No. I talked to him a

couple more times since I was subpoenaed.

THE COURT: Now, what time

on the phone?

A. Oh, approximately four or

five times. He is a sick man and the one

time - - -

Q. Never mind; four or five

times on the phone. Any other times?

A. Well, that's about it.

I said to him, he says, "I

Q. Now, when you were

on the phone. Any other times?

A. In church.

Q. That was a good place. Any

other places?

A. Oh, he came up to the golf

course and said he wanted to talk to me

something, and I was playing golf, and that

was it there.

Q. All right. Four or five

times on the phone. How many times did you

say - - you said in church?

A. Yes sir.

MR. WILSON: How many times in

church?

A. Oh, Sunday.



1 Q. Well, I know Sunday is
2 generally when you go to church. How many times
3 in church?

4 A. A couple of times. I didn't
5 talk in church.

6 Q. What did you do, talk after
7 the service?

8 A. No sir. I went straight home.
9 I had a flat tire.

10 Q. All right now; you have said
11 in church you talked twice with him. Where did
12 the conversations take place? Inside the
13 church or outside?

14 A. No, just before going in the
15 church, just right there and just walked right
16 in.

17 Q. When was the last Sunday
18 that you talked to him?

19 A. Last Sunday. He was going
20 into a coma from his sugar so I ran out of the
21 church and got him a chocolate bar.

22 Q. That is this last Sunday?

23 A. Yes.

24 Q. Just two days ago?

25 A. Yes.

26 Q. When was the other Sunday you
27 had a talk with him?

28 A. The week before. I see him
29 all the time in church. He goes to the same
30



Will you please go to school?

Generally when you go to school, you study hard.

In school?

A. A couple of years, I think.

When is school?

It's not yet started.

The school?

A. Yes, I will go to school.

I had a time.

A. All right, but you will go.

It's not yet started, but you will go.

The school is not yet started.

When is school?

A. It's not yet started.

When is school?

It's.

When is school?

When is school?

A. It's not yet started.

When is school?

When is school?

A. It's not yet started.

When is school?

A. It's not yet started.

When is school?

A. It's not yet started.

When is school?

A. It's not yet started.

When is school?



1 church with me.

2 THE COMMISSIONER: Wait till we get
3 this, Mr. Wilson.

4 Q. ^{five} Four or ^{five} times on the phone,
5 twice at church. How often on the golf course?

6 A. Just the once, sir.

7 Q. Once on the golf course.
8 where else, if anywhere else?

9 A. Since the subpoena or
10 before?

11 Q. Since the subpoena will do.

12 A. That is about it. I can't
13 remember.

14 Q. No; is that all?

15 A. I cannot remember.

16 Q. Oh, yes, you can.

17 A. That is all; that is all.

18 Q. Now, let's get it clear; look
19 at me; four or five times on the phone, twice
20 in church and once on the golf course; those
21 are the only times when you have discussed the
22 matter of giving your evidence here or his
23 giving evidence here?

24 A. Never discussed giving
25 evidence, just if he wants to say whatever he
26 can say, I can only say - - -

27 Q. Are those the only occasions
28 since you were served with a subpoena that you
29 talked with him about you and he coming here to
30



[Faint, illegible handwritten notes]

1940年10月10日



1 give evidence?

2 A. That is all I can remember.

3 Q. That is all you can remember,
4 and you are swearing to that?

5 A. I would say that is about
6 all.

7 Q. No; I won't take that
8 answer. It is either all or it is not all.
9 It is no answer to me to say "It is about all."
10 Now, are those the only times when you have
11 discussed the matter with this fellow McGroarty?

12 A. I was at his house.

13 Q. Well, we have got that much.
14 Now, how often were you at his house?

15 A. Twice.

16 Q. When?

17 A. I was to his house Saturday
18 morning and he was in a ~~numm~~ coma again and they
19 had to call a doctor for him, so I couldn't
20 talk to him.

21 Q. Last Saturday?

22 A. Saturday.

23 Q. When was the other occasion?
24 You said there were two?

25 A. I was to his house one more
26 time but I can't remember when that was.

27 Q. How long ago?

28 A. Oh, within the last couple
29 of - - a couple of weeks ago; maybe three weeks
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Q. Now, did you see anything?

A. Yes, I saw a man in a suit.

Q. What time was it?

A. It was about 10:30 or 11:00.

Q. Did you see anything else?

A. No.

Q. Did you see anything else?

A. Yes, I saw a man in a suit.

Q. What time was it?

A. It was about 10:30 or 11:00.

Q. Did you see anything else?

A. No.

Q. Did you see anything else?

A. Yes, I saw a man in a suit.

Q. What time was it?

A. It was about 10:30 or 11:00.

Q. Did you see anything else?

A. Yes, I saw a man in a suit.

Q. What time was it?

A. It was about 10:30 or 11:00.

Q. Did you see anything else?

A. No.

Q. Did you see anything else?

A. Yes, I saw a man in a suit.

Q. What time was it?

A. It was about 10:30 or 11:00.

Q. Did you see anything else?

A. Yes, I saw a man in a suit.

Q. What time was it?



1 ago.

2 Q Now then, have you told us
3 all the occasions when you have talked with him
4 since getting the subpoena?

5 A I should imagine so.

6 Q You should imagine so?

7 A That's about it.

8 Q Is that it?

9 A I think so.

10 Q You swear that it is?

11 A That's it, yes.

12 Q Positively?

13 A Positively.

14 Q Positively; that is your

15 answer?

16 A (No audible answer)

17 Q Is it?

18 A Yes sir.

19 Q That is your answer positively;
20 there will be no subsequent argument about that?
21 That is clear and unequivocal, certain? Is
22 that your evidence?

23 A You mean have I bumped into him
24 and said hello or something?

25 Q No, not just saying hello
26 to him; talking with him about you and he coming
27 here to give evidence? Have you told us about
28 all the occasions?

29 A I only talked to him once about
30



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1 coming here. I didn't talk to him about
2 giving evidence. I never told him to give
3 evidence.

4 MR. WILSON: Q. Maybe we can fix
5 the one time. You have told us about five
6 meetings and four telephone calls. Tell us
7 which of these occasions was the occasion which
8 you say was the only one when there was any
9 discussion about this Commission or the
10 evidence that either of you might give?

11 A. I don't remember anything
12 about evidence, giving evidence.

13 Q. Well, you say - - -

14 A. What is this all about, this
15 evidence?

16 Q. You say that on only one of
17 these occasions did you discuss with him about
18 this Commission; is that right?

19 A. My position here.

20 Q. Your position here; all right.
21 Now, which of these occasions did you discuss
22 your position here with this man - - what did
23 you say his name was? McGroarty?

24 A. I cannot remember which
25 occasion. That is not all I talk about every
26 day and all day long.

27 Q. I am only concerned with
28 what you talked about with regard to your
29 position here. Now, what did you tell him about
30



Q. Now, I want to ask you a question.

A. Yes, sir.

Q. Now, I want to ask you a question.

A. Yes, sir.

Q. Now, I want to ask you a question.

A. Yes, sir.

Q. Now, I want to ask you a question.

A. Yes, sir.

Q. Now, I want to ask you a question.

A. Yes, sir.

Q. Now, I want to ask you a question.

A. Yes, sir.

Q. Now, I want to ask you a question.

A. Yes, sir.

Q. Now, I want to ask you a question.

A. Yes, sir.

Q. Now, I want to ask you a question.

A. Yes, sir.

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A. Yes, sir.

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A. Yes, sir.

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A. Yes, sir.

Q. Now, I want to ask you a question.

A. Yes, sir.

Q. Now, I want to ask you a question.

A. Yes, sir.

Q. Now, I want to ask you a question.



1 your position here?

2 A. Well, I just wondered what
3 I am doing here, that's all.

4 Q. You just wondered about - -
5 you told him you wondered about what you were
6 doing here?

7 A. Yes.

8 Q. Is that all you said to him
9 about your position here on any of these nine
10 occasions when you talked to him since you were
11 subpoenaed?

12 A. I might have talked something
13 about - - I don't know what the heck I talked
14 to him about. I don't - - what did I talk
15 to him about? I don't know what a person
16 talks to another person about. You just talk
17 and you talk.

18 THE COMMISSIONER: Q. Where were
19 you when you did the talking?

20 A. Mostly on the phone.

21 Q. Four or five times on the
22 phone?

23 A. Yes.

24 Q. Wait a minute. Listen to me,
25 please. Four or five times on the phone,
26 twice in church, once on the golf course,
27 twice at his house. Now, was there any other
28 place that you discussed the matter with him?

29 A. I told you about that. I
30



your presence here?

Yes, I am here.

I am here, yes, I am.

Yes, I am here.

Yes, I am here.

Yes, I am here.

Yes, I am here.

Yes, I am here.

Yes, I am here.

Yes, I am here.

Yes, I am here.

Yes, I am here.

Yes, I am here.

Yes, I am here.

Yes, I am here.

Yes, I am here.

Yes, I am here.

Yes, I am here.

Yes, I am here.

Yes, I am here.

Yes, I am here.

Yes, I am here.

Yes, I am here.

Yes, I am here.

Yes, I am here.

Yes, I am here.

Yes, I am here.

Yes, I am here.

Yes, I am here.



1 didn't discuss no matters with him.

2 Q Well, were there any other
3 places at which you talked to him about this
4 Commission?

5 A. How could I talk about the
6 Commission.

7 Q. No, no, please don't argue
8 with me.

9 A. I am not arguing.

10 Q. Just answer the question.
11 Was there any other place at which you talked to
12 him about this Commission? You said a moment
13 ago that these were all the places. I
14 understood you to say positively.

15 A. I don't know what I talked
16 to him about, about this. The man is a sick
17 man.

18 Q. Never mind whether he is
19 sick or not.

20 A. You talk and he rambles.
21 I didn't - - -

22 Q. Well, there were two of you
23 no doubt - - -

24 A. Both of us.

25 Q. - - - Judging from the way
26 you go on now. You have been rambling. Was
27 there any other place besides the church, the
28 golf course and his house? If there was, I
29 want you to tell me where it was. If there
30



THEY WERE BOTH IN THE SAME PLACE

Q. NOW, WERE THERE ANY OTHER

PERSONS OF WHICH YOU TALKED TO HIM ABOUT THIS

PERSONALITY?

A. NOW, WOULD I TALK ABOUT THE

PERSONALITY?

Q. NOW, WERE THERE ANY OTHER

PERSONS?

A. I AM NOT SURE.

Q. NOW, WERE THERE ANY OTHER

PERSONS OF WHICH YOU TALKED TO HIM ABOUT THIS

PERSONALITY? (REPEAT) (REPEAT) (REPEAT)

Q. NOW, WERE THERE ANY OTHER

PERSONS OF WHICH YOU TALKED TO HIM ABOUT THIS

PERSONALITY? (REPEAT) (REPEAT) (REPEAT)

Q. NOW, WERE THERE ANY OTHER

PERSONS OF WHICH YOU TALKED TO HIM ABOUT THIS

A. NOW, WOULD I TALK ABOUT THE

PERSONALITY?

Q. NOW, WERE THERE ANY OTHER

PERSONS?

A. I AM NOT SURE.

Q. NOW, WERE THERE ANY OTHER

PERSONS OF WHICH YOU TALKED TO HIM ABOUT THIS

PERSONALITY? (REPEAT) (REPEAT) (REPEAT)

Q. NOW, WERE THERE ANY OTHER

PERSONS OF WHICH YOU TALKED TO HIM ABOUT THIS



1 wasn't any other place, just say so and get it
2 over with.

3 A. I don't think there was any
4 other place.

5 Q. There was no other place?

6 A. I cannot remember any other
7 place.

8 Q. And you have a fairly good
9 memory?

10 A. Is there a way to balance them?
11 I don't know if I have got a good memory or
12 just ordinary.

13 Q. Search your memory. Was
14 there any other place?

15 A. Well, I cannot remember right
16 now.

17 Q. May I put it to you this
18 way; do you think there was any other place?

19 A. I don't think there was any
20 other place. I don't think so.

21 Q. You don't think there was any
22 other place?

23 A. No sir.

24 Q. Now, that is your sworn
25 evidence?

26 A. I don't think so, that there
27 was any other place.

28 MR. WILSON: Q. Well, these nine
29 occasions when you either talked to him on the
30





1 phone or saw McGroarty, did they all take
2 place after McGroarty had been subpoenaed to
3 come here to give evidence?
4

5 A. I would say they would because
6 he told me that somebody threatened him and
7 I says to him, "I don't understand anything
8 about it. You just go and tell your story,
9 whatever you got, tell the truth, or you
10 can lie, you can do anything you want. I have
11 got nothing to do with you". I says, "If you
12 tell me this, whatever you are telling me,
13 that is your business, I got nothing to do
14 with you. I got enough worries of my own".
15 That is all I told him. My worries here is
16 income tax and that is enough worries
17 I got.

18 THE COMMISSIONER: Oh, you have
19 got more than that to worry about. You might
20 just as well understand that too.

21 MR. WILSON: Q. I believe on
22 the 1st of June McGroarty was served with his
23 subpoena in this matter. How did you know he
24 was subpoenaed?

25 A. He told me.

26 Q. As soon as he was subpoenaed?

27 A. Yes.

28 Q. What would he be calling you
29 about?

30 A. Because the fellow that





1 subpoenaed him mentioned my name to him and
2 says to him that he should -- I don't know --
3 ^{try} tried to put me in jail or something, and I
4 says to him, "Well, I don't know what you are
5 doing, you just do what you want to do, I
6 cannot be responsible for what the man says
7 or thinks or what he wants to do". I got
8 all kinds of cranks calling me up and saying
9 they are Sergeant Moore and "Get out of the
10 house", and Sergeant Anderson, "You are
11 being raided today". I got enough of that
12 and I am not even home half the time; my
13 wife gets the calls.

14 Q So on nine occasions since
15 the first of June you have discussed this
16 matter with McGroarty?

17 A Well, he told me that - - -

18 THE COMMISSIONER: Answer the
19 question.

20 MR. WILSON: Q. I say on nine
21 occasions since the first of June when he was
22 served with a subpoena you have been in
23 communication with him?

24 A. I talked to him, yes, sir.

25 Q. And you talked to him about
26 this Commission on these nine occasions or
27 only on one of them?

28 A. Not all the time; maybe on
29 a few of the occasions, because two or three or
30

supposed him mentioned my name to him and
says to him that he should -- I don't know --
try to put me in jail or something, and I
says to him, "Well, I don't know what you are
doing, you just do what you want to do, I
cannot be responsible for what the man says
or thinks or what he wants to do". I get
all kinds of cranks calling me up and saying
they are Sergeant Moore and "get out of the
house", and Sergeant Anderson, "You are
being raided today". I got enough of that
and I am not even home half the time; my
wife gets the calls.

Q So on nine occasions since
the first of June you have discussed this
matter with Mr. Wilson?

A Well, he told me that --
THE COMMISSIONER: Answer the

question.

MR. WILSON: Q. I say on nine
occasions since the first of June when he was
served with a subpoena you have been in

Q. And you talked to him about
A. I talked to him, yes, sir.

this Commission on those nine occasions or
only on one of them?
A. Not all the time; maybe on
a few of the occasions, because two or three or



1 four times over there he was in a coma and
2 you cannot talk to somebody who is in a coma
3 hardly.

4 Q I suppose it was a one-sided
5 conversation?

6 A. I walked away.

7 Q. Did you give him any advice
8 about how he should act apart from what you
9 have told us here this morning?

10 A. I told him to tell the truth,
11 to tell anything he wants to tell. Can I
12 stop a man to tell what he wants to tell?
13 "You just tell anything you want to tell".

14 THE COMMISSIONER: Put that question
15 to him again and we will see if he will answer
16 it.

17 MR. WILSON: Q. I say did you give
18 him any advice as to how he should answer
19 when he came here?

20 A. That is my advice; I says
21 "Well - - -"

22 Q. What is your advice?

23 A. "You just tell them
24 anything you want to tell, the truth, or you
25 can tell them anything. I cannot stop you from
26 telling anything". That is all I can remember.

27 Q. Apart from McGrearty, did
28 you discuss your evidence or this Commission
29 with McDermott after you were subpoenaed?
30



Q. Now, did you ever see him in a room and
 you cannot tell in a room, did you?
 A. Yes.

Q. I suppose it was a room?
 A. Yes.

Q. I asked you, did you give him any money?
 A. Yes.

Q. What was the money for?
 A. To go to the store.

Q. I told you he was in the store.
 A. Yes.

Q. Did you tell him to go to the store?
 A. Yes.

Q. Did you tell him to go to the store?
 A. Yes.

Q. Did you tell him to go to the store?
 A. Yes.

Q. Did you tell him to go to the store?
 A. Yes.

Q. Did you tell him to go to the store?
 A. Yes.

Q. Did you tell him to go to the store?
 A. Yes.

Q. Did you tell him to go to the store?
 A. Yes.

Q. Did you tell him to go to the store?
 A. Yes.

Q. Did you tell him to go to the store?
 A. Yes.



1 A. What McDermott?

2 Q. Well, Joseph McDermott?

3 A. I don't - - I never discussed
4 nothing with McDermott.

5 THE COMMISSIONER: You are sure of
6 that, are you?

7 A. Absolutely sure.

8 MR. WILSON: Have you talked to
9 McDermott since you were subpoenaed on
10 April 4th of this year?

11 A. Yes sir.

12 Q. You have talked to him?

13 A. Yes sir.

14 Q. Where? Did you meet him or
15 did you talk to him on the telephone?

16 A. I think he called me on the
17 phone.

18 Q. How many times?

19 A. I don't know. That is two
20 years and a half. I don't remember how many
21 times.

22 THE COMMISSIONER: Q. Oh, no - - -

23 A. Yes sir.

24 Q. Oh, no, since you have been
25 served with a subpoena?

26 MR. WILSON: Q. The 4th of April,
27 1962, after you were subpoenaed to come here to
28 give evidence?

29 A. I bumped into him in a coffee
30



1 house at the Falls. I bumped into him on the
2 golf course.

3 THE COMMISSIONER: Q. Who?

4 A. Mr. McDermott.

5 MR. WILSON: Q. Joseph McDermott?

6 A. I never discussed nothing
7 about what I got to do here, just, you know,
8 what kind of - - what is it? What is going on?

9 Q. Well, what were the purposes
10 of your meetings with McDermott after April 4th,
11 1962?

12 A. Well, because in the paper - -
13 you read in the papers what is said about me.
14 Well, there is untruths.

15 Q. So you have admitted now that
16 you have had a meeting with him in a coffee shop
17 in Niagara Falls. Who arranged that meeting?
18 Did you arrange it or did McDermott arrange it?

19 A. Nobody. I was working in the
20 MidTown and he happened to come through to the
21 Falls. I guess he stopped and saw me there and
22 said, "C'mon and have a coffee". So I had a
23 coffee.

24 Q. How long ago was that?

25 A. Is that something wrong?

26 Q. How long ago was that?

27 A. I don't know. That is a long
28 time ago.

29 Q. A couple of weeks ago?
30



house at the Falls. I dumped into him on the

side of the

the Commission

Mr. McInnis

Mr. McInnis

A. I never discussed nothing

about what I got to do here, just, you know,

what kind of - what is it? What is going on?

Q. Well, what were the purposes

of the meeting with McInnis after that?

Q.

A. Well, because in the paper -

you read in the papers what is said about me.

Well, then is untrue.

Q. So you have admitted now that

you have had a meeting with him in a coffee shop

in Niagara Falls. Who arranged that meeting?

Did you arrange it or did McInnis arrange it?

A. Nobody. I was working in the

Milltown and he happened to come through to the

Falls. I guess he stopped and saw me there and

said, "Come and have a coffee". So I had a

coffee.

Q. How long ago was that?

A. Is that something wrong?

Q. How long ago was that?

A. I don't know. That is a long

Q. A couple of weeks ago?



1 A. I don't know.

2 THE COMMISSIONER: Q. On yes, you
3 do.

4 A No, I don't. I don't remember
5 that.

6 Q. Well, it was since April 4th?

7 A. I know it was raining that
8 day. That is all I remember. It was raining
9 that day because I was bowling.

10 MR. WILSON: Q. Well, anyway, it is
11 since April 4th, 1962, after you were subpoenaed.
12 You have told us that once. Do you want to
13 change your story?

14 A. What is that?

15 Q. That you saw Joseph McDermott
16 in the coffee shop after you were subpoenaed
17 to give evidence here?

18 A. What do you want me to change
19 it to? That is the story.

20 Q. Now, when did you meet him
21 on the golf course?

22 A. I was playing golf and coming
23 up to the 13th hole and I walked in and had
24 a coffee. He was in the coffee house.

25 Q. He just happened to be there?

26 A. That's right, with Mr. Feeley.
27 I don't know why he was there.

28 Q. What golf course was this?

29 A. Lookout Point, Fenthill.
30



10

and have told us that once we had the

[illegible]



1 Q. Was this before or after you
2 just happened to run into him in the coffee shop
3 in Niagara Falls?

4 A. After. I cannot remember.

5 Q. How long after?

6 A. I can't remember.

7 Q. Was it a week after?

8 A. No; more than a week.

9 Q. Who were they with?

10 A. Just two of them.

11 Q. Are they members of the club?

12 A. They could be. I don't look
13 the roster over.

14 Q. Well, you are there quite a
15 bit, aren't you?

16 A. Well, I play golf.

17 Q. I mean you play every / day,
18 don't you?

19 A. If I could.

20 Q. Have you ever seen McDermott - - -

21 A. I don't play every day.

22 Q. Just about?

23 A. No.

24 Q. My information is not quite
25 accurate, you mean?

26 A. (No audible answer).

27 Q. Have you ever seen McDermott
28 and Feeley in that golf club before?

29 A. I am not in the golf club all
30 the time.



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How long did you stay in the hospital?



1
2 THE COMMISSIONER: Well, answer
3 the question, witness.

4 MR. WILSON: Q. I say have you
5 ever seen them in that golf club before?

6 A. No, I have never seen them
7 there before.

8 Q And they were there by
9 themselves when you came up from the 18th hole?

10 A. Having a coffee.

11 Q And so you had a coffee with
12 them?

13 A. Yes sir.

14 Q And did you discuss with
15 them on that occasion this Commission?

16 A. Just what they had in the
17 paper, how crazy I was, what this was all
18 about, like him and - - I said, for instance,
19 how it affected my family.

20 THE COMMISSIONER: Q. And that
21 is all you talked about?

22 A. (No audible answer).

23 MR. WILSON: Q. That is all you
24 talked about with them?

25 A. That is all.

26 THE COMMISSIONER: Q. Was that
27 the same golf course where you met and talked
28 with McGuire?

29 A. Yes, he came up there. I
30 was on the 4th hole. I can remember that.



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1 Q. What was McGroarty doing
2 out at the golf course?

3 A. He came up there to tell me
4 that somebody threatened him. I don't know
5 what it was all about. I chased him away.
6 I said, "I don't know what you are talking
7 about".

8 Q. Does he play golf too?

9 A. I don't know, sir. Anybody
10 can play golf.

11 MR. WILSON: Q. Well, is this
12 Fonthill club a private club or a public club?

13 A. It is semi, it is semi-private.

14 Q. Semi-private. Apart from
15 the two meetings you have had with McDermott
16 and on one occasion Feeley was with him, have
17 you had any other communications with either
18 McDermott or Feeley since April 4th, 1962?

19 A. Feeley, no, but McDermott
20 has called me and discussed - - well, baseball
21 or something.

22 Q. No, he calls you quite
23 regularly, doesn't he?

24 A. No sir.

25 Q. Well, I am just glancing
26 at the sheet here and I see five or six calls
27 in ~~XXXX~~ April alone from McDermott?

28 A. That's right.

29 Q. What would you be discussing?
30 Baseball, did you say?



THE

EXHIBIT

and the following:

and the following:

4. He came up there to tell me

that I was all about. I showed him my

and he said, "I don't know what you're talking

about."

Q. Does he play golf now?

A. I don't know, but I don't

see him play.

Q. Will he play

golf with a private club or a public club?

A. I don't know, but I don't

know if he plays golf.

Q. The last time you saw him was

in the summer of 1964, is that right?

A. Yes, you had any other conversations with him?

Q. I don't know, but I don't

know if he plays golf.

Q. He called me and discussed - well, possibly

or something.

Q. No, he calls you twice

monthly, doesn't he?

A. No sir.

Q. Will you play golf

at the club here and I see him or not call

to him about that trip (1964)?

A. That's right.

Q. What would you be discussing

possibly, did you say?



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A. Pertaining to gambling,
sure.

Q Pertaining to gambling in
what way?

A. Well, the odds on a baseball
game or something.

Q. Do you give the odds or does
he give the odds? Do you have the service or
does he have the service?

A. You figure them out for
yourself.

Q. But why would you call him
or why would he call you?

A. Well, if you have a \$10.00
bet are you going to look for a service?

Q. You tell us what all these
calls he was making to you were about?

A. I would like to know what the
odds were on a baseball game and so I would call
him.

Q. But he was calling you?

A. That's all right.

Q. What was he calling you for?

A. The same thing.

Q. To find out from you what?

A. If I had any action for him
or something.

THE COMMISSIONER: What?

MR. WILSON: Q. What kind of action?



1120 2. Palmer

Q. Returning to gambling?

Yes.

Q. Returning to gambling is

that way?

A. Well, the way he is running

the business.

Q. Do you give the odds on these

in the market? Do you have the money on

does he have the reserves?

A. The figure was on the

market.

Q. But the money was not on

or why would he call you?

A. Well, if you have a \$10.00

and are you going to lose for a certain

Q. You will be sure all these

calls for the money if you are sure.

A. I would like to know what the

calls were on a number of days and on a small scale.

Yes.

Q. But he was calling you?

A. That's all right.

Q. What was he calling you for?

A. The same thing.

Q. To find out how you were?

A. If I had not called him

or something.

THE END OF THE MATTER.

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S. Balson

7127

1 A. To bet on a baseball game
2 or something.

3 Q. Did you lay off your book
4 with him?

5 A. No, sir, just the odd bet.

6 Q. Just the odd bet?

7 THE COMMISSIONER: Q. What do you
8 mean, you just laid off the odd bet with him?

9 A. Yes sir.

10 Q. How did you lay it off?

11 A. I would call him.

12 Q. You called him?

13 A. Sure.

14 Q. You see, I am a greenhorn
15 with respect to these things. You tell me how
16 you do it.

17 A. Everybody gambles.

18 Q. How did you lay off the bets
19 with him?

20 A. Well, I would call him up
21 and I would say that I have \$40. or \$50. on
22 a horse or one of these here baseball bets
23 and I would say, "Would you mind taking twenty-
24 five?" or something, and he would say, "Okay",
25 and that's it.

26 Q. Yes.

27 MR. WILSON: Q. Well, is this
28 what you were talking about in April of 1962
29 with him, about lay-offs?
30



THE

REPORT

To get on a baseball game

A.

Q.

Did you say it was dark

D.

Q.

Yes, that was the last

A.

That was the last

A.

THE QUESTION

What was the last thing you saw

Q.

How did you say it was

D.

I don't know

A.

You didn't see

A.

Q.

Yes, that was the last

A.

with respect to these things. You tell me now

you do so.

Q.

But did you say it was dark

D.

Q.

Yes, I would only know up

A.

and I would say that I have \$50. or \$60. in

a house or one of these have been

and I would say, "would you mind taking

river" or something, and he would say, "okay".

and that is it.

Q.

Yes, that was the last

what you were talking about in April of 1968

Q.



1 A. I would say that is all
2 I ever talked to him about.

3 Q. What size do you keep
4 yourself? Surely you don't lay off \$50.
5 bets or you have a pretty small operation?

6 A. You better believe it was
7 small.

8 Q. You want me to believe it
9 was small?

10 A. You better believe it was
11 small.

12 Q. Well, we will wait until all
13 the evidence is in and then we will decide.
14 What was your book running, say at the time
15 you were arrested in the fall of 1959, about
16 how much a day were you averaging?

17 A. You just can't go by that.
18 I just can't figure that out.

19 Q. Oh well, you know what the
20 average was? Was it \$800 or \$1000 a day?

21 A. You've got to be kidding.

22 Q. Well, what was your average?

23 A. I was on the golf course
24 every day. How could I average that?

25 Q. I understand you are a very
26 high class bookmaker. You spend the time on
27 the golf course.

28 A. That's right. I work for
29 half an hour or an hour and I get out of there.
30



A. I would not like to

I have tried to him about.

A. I have tried to him about.

He would not like to

He would not like to

A. I would not like to

He would not like to

A. I would not like to

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A. I would not like to

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A. I would not like to

He would not like to

A. I would not like to

He would not like to

He would not like to

A. I would not like to

He would not like to



1 That is how big my book was.

2 Q. That is a very interesting
3 way to do it. Tell us what your gross was?

4 A. \$100., \$140. What did you
5 think I took in?

6 Q. Was that enough to keep
7 you in - - -

8 A. It was so small if I had
9 a \$40. but I would call it away.

10 Q. Well, you say you were
11 averaging about \$100 to \$140 a day?

12 A. I would say.

13 Q. Was that enough - - -

14 A. Two hundred.

15 THE COMMISSIONER: He is up to
16 \$200. now.

17 A. Some days \$30.

18 MR. WILSON: Q. Was that enough
19 to keep you in the manner to which you were
20 accustomed?

21 A. Well, I don't spend much
22 money. I don't drink.

23 Q. And you play golf?

24 A. And I bowl for a living.
25 I make good money bowling.

26 Q. Do you know a lawyer named
27 David Humphrey?

28 A. I met him once.

29 Q. When did you meet him?
30



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— — — — —

第一輯 革命年代 1

• YEARS OF LIFE SINCE I WAS BORN •

TYPE A ONLY OF ONLY THREE PAGES

1944



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A. I met him at Burlington.

Q. You met him at Burlington.
Where was that meeting in Burlington?

A. In the Brant Hotel or
something.

Q. Was it in the hotel or outside
the hotel?

A. I think it was inside. I
can't remember.

Q. Who set up that meeting?
Why did you go to it? Who called you?

A. Somebody called me from the
Falls and told me that somebody was accusing
me of giving somebody some money, some policeman
some money, and that they were in Humphrey's
office, so I directly got on the phone and
I called there. He says to me, "Well, if you
want to," he says, "You call back", and he
says, "There is these two young fellows
coming up there," and he says, "you can talk
to them about it and see what it is all about".
And that is exactly what happened. And
then I met them and - - -

Q. These two young fellows,
that is Lawrence and Lamorie?

A. That's right.

Q. Isn't it a fact that the
day before that meeting or the day that Lawrence
and Lamorie were suspended, Lawrence called



Q Now, you say that you saw the man in the car?

A Yes, I saw him in the car.

Q And you saw him in the car on the day of the shooting?

A Yes, I saw him in the car on the day of the shooting.

Q Now, you say that you saw him in the car on the day of the shooting?

A Yes, I saw him in the car on the day of the shooting.

Q Now, you say that you saw him in the car on the day of the shooting?

A Yes, I saw him in the car on the day of the shooting.

Q Now, you say that you saw him in the car on the day of the shooting?

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A Yes, I saw him in the car on the day of the shooting.

Q Now, you say that you saw him in the car on the day of the shooting?

A Yes, I saw him in the car on the day of the shooting.

Q Now, you say that you saw him in the car on the day of the shooting?



1 you on the telephone and told you?

2 A. Yes, and I asked him why
3 my name was mentioned in there.

4 Q. Why would he call you the
5 day he was suspended, which was a Sunday, and
6 tell you he had been suspended?

7 A. Well, I don't know. What
8 has that got to do with me? If he calls and
9 tells me he is suspended, it is because my
10 name was mentioned there.

11 Q. Is that all he told you?

12 A. That is all.

13 Q. He just called you up to tell
14 you that because your name was mentioned, he
15 was suspended? Is that all he said?

16 A. He asked me if I talked to
17 Mr. Scott, if I had ever talked to Mr. Scott,
18 and I said I didn't, and he figured that I
19 was talking to Mr. Scott about him, and
20 I told him I didn't.

21 Q. What could you tell Mr.
22 Scott about Mr. Lawrence or Mr. Lamoris?

23 A. I don't know; wherever he
24 was suspended.

25 Q. And then having had that
26 conversation you say that somebody in the Falls
27 told you about these two young fellows
28 and did you call Humphrey or did Humphrey call
29 you before the meeting was held outside - - -
30



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you on the telephone and told you

A. Yes, and I asked him why

my name was mentioned in there.

Q. Did he tell you why

they had been mentioned, which was a Sunday, and

tell you he had been mentioned?

A. Well, I don't know. What

was that got to do with me? In the office and

with me in the hospital, is it because of

them was mentioned there.

Q. In that all he told you

was in all.

A. He just called you up to tell

you that because your name was mentioned, he

was mentioned. Is that all he told

A. He asked me if I talked to

Mr. [unclear] if I had been called to the office

and I said I didn't, and he figured that I

was talking to Mr. [unclear] about him, and

I told him I didn't.

Q. What would you tell me?

That's what Mr. [unclear] told me, that

A. I don't know. I never

was mentioned.

A. And then he called me that

communication got me out of the office

told you about these two people, telling me

and the two men mentioned in the hospital call

you during the meeting was being raised - -



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A. I called him once.

Q. Yes?

A. And I don't remember if he called me back. I know I called him. Whether he called me back or not, I cannot remember.

Q. What did you suggest, that you better get together and get your stories straight?

A. What for? There is no story.

Q. Well, why did you need to meet then? Why would you meet if there is no story?

A. Well, what is the difference, if I meet or drive over?

Q. I am asking you why would you meet at the Brant Inn or any place else if there was no story to work out?

A. Well, what is the difference if I talk on the phone or meet there?

Q. I am not asking you that; I say why would you meet them or talk to them at all if there was no story to connect?

A. Because I was mad. Wouldn't you be mad?

Q. Well, all right, that is your answer; you were mad?

A. Yes.

Q. What were you mad about?

Q. What was I mad about?

[illegible]

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collected no more. I know I called him. (p. 100)

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...and the two millionth the millionth are

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1 THE COMMISSIONER: Don't repeat the
2 questions; just answer them. What were you
3 mad about?

4 A. Hum?

5 Q. What were you mad about?

6 A. Well, that I should be
7 accused.

8 Q. Nobody had accused you, had
9 they?

10 A. Somebody from the Falls
11 told me that I was - - that there was a warrant
12 sworn out for my arrest. That is why I called.

13 Q. Oh.

14 A. And that is why I asked him.

15 MR. WILSON: Q. Who was the person
16 in the Falls who called you?

17 A. I don't know; it was Sam
18 something.

19 Q. Sam what?

20 A. I don't know.

21 THE COMMISSIONER: Q. Oh yes, you
22 do?

23 A. No.

24 MR. WILSON: Q. You know who Sam
25 was?

26 A. No. I thought he was a
27 crank.

28 Q. Was it Niagara Falls, Ontario,
29 or Niagara Falls, New York?
30



110

111

THE COMMISSIONER: I don't want to

discuss that matter now, but I will

not object

A. Yes

Q. And you will not

will, but I would like

answered.

Q. And you will not

reply

A. I am sorry that the

fact is that I am - I am sure that I am

sure that I am - I am sure that I am

Q. Yes

A. And that is why I am sure

Q. And that is why I am sure

in the fact that I am sure

A. I don't know, I am sure

Q. I don't know

A. I don't know

THE COMMISSIONER: I don't want to

Q. Yes

A. Yes

Q. And you will not

reply

A. I don't know, I am sure

Q. Yes

A. I don't know, I am sure

THE COMMISSIONER: I don't want to



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A. I don't even know that.

All I know is that it was Niagara Falls.

Q. Do you know Sam Borelli?

A. Sam Borelli?

Q. Yes.

A. I know no Sam; I know
Felix Borelli.

Q. Felix?

A. Felix.

Q. You don't know who it was
that called you from the Falls?

A. No sir.

Q. Just tell us what this
person said.

A. Well, all he says to me,
he says that he heard that I was getting a
warrant, there was going to be a warrant for
my arrest. "For what"? I says, "I don't
know". He says, "You call that Humphrey,
the one the policeman was fired or something".

Q. So Sam told you to call
Humphrey?

A. M'hm.

Q. What did he tell you to call
Humphrey about?

A. I don't know. Because - - -

Q. Was this before or after
Laurence had called you on the Sunday to tell
you he had been suspended, that Sam called you?



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All I know is that it was Higgins' film.

Q. Do you know how he got it?

A. Not exactly.

Q. Well, how?

A. I know two things. I know

that Higgins

Q. Higgins?

A. Higgins.

Q. And Higgins was with you at the

time when you saw the film?

A. No sir.

Q. And you saw the film with

other people?

A. Well, all he says to me,

he says that he says that I was sitting

down there, there was going to be a woman for

upstairs. The only thing I saw, I saw

him. He says, "You said that Higgins"

and the policeman was there at the time."

Q. And you saw him at the time?

Witness

A. Yes.

Q. What did he tell you to tell

the jury?

A. I don't know. I don't know.

Q. And you were sitting at the

table and called you out during the trial?

Q. You had been suggested, that was called you?



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A. Before or after?

Q. Before or after?

A. (No audible answer).

Q. You heard the question;
was it before or after Lawrence had told you
he had been suspended that you heard from Sam?

A. I don't remember if it was
before or after.

Q. Do you remember how soon
it was before you went over to the Brant Inn?

A. No sir.

Q. And you say you have no idea
who this Sam was that called you?

A. No sir.

Q. But you then called Humphrey?

A. I figured it was a crank
call and I called him anyways.

Q. And then when you called
Humphrey did you speak to Lawrence and Lamerie
on the phone as well?

A. Yes.

Q. And was it at that time that
the meeting was set up at the Brant Inn?

A. Yes. I says to him, "well,
I would like to talk to you. What the heck
is this all about?".

MR. WILSON: Mr. Commissioner, I
was just going into something else.

THE COMMISSIONER: All right. Two-



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A. before or after

A. before or after

A. (his audible answer)

A. You heard the question

and is before or after Lawrence had told you

he had been suggested that you heard from him

A. I don't remember if it was

before or after

A. He was talking to you

it was before you went over to the house and

A. He was

A. And you say you have no idea

and that was the last time you

A. He was

A. The last time you saw him

A. I don't know if it was

and I called him separate

A. He was

immediately after you spoke to Lawrence and Lawrence

he was alone in with

A. Yes

A. And was it at that time that

the meeting was set up at the house that

A. Yes. I agree to that "only"

I would like to talk to you. What the point

is that all about?

A. Witness: Mr. Lawrence, I

and that was the last time you

and that was the last time you



1
2 fifteen.

3 Witness, during this recess you are
4 not to talk to anybody about this matter. Do
5 you understand that?

6 A. (No audible answer)

7 Q. I want the answer on the
8 record.

9 A. Yes sir.

10 MR. WILSON: I think it should be
11 made clear to the witness that that includes
12 Mr. Keenan.

13 THE COMMISSIONER: Yes.

14 ---whereupon the hearing adjourned at 1:03 p.m.
15 until 2:15 p.m.

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25 (Page 7145 follows)
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2 ---On resuming at 2.35 p.m.

3
4 A. PALACK, resumes the stand

5
6 EXAMINED BY MR. HILSON:

7 Q. We were just about to discuss
8 the meeting you had at the Brent Inn in
9 Burlington. Who were present at that
10 meeting?

11 A. Dave Humphrey and,
12 Well, there was Lawrence and
13 Lemerie.....

14 Q. What was discussed at that
15 meeting?

16 A. Just at the -- why my name
17 was mentioned and why I got suspected. Somebody
18 mentioned my name to him. He asked me if I
19 talked to Mr Scott. That is the sum and substance
20 of it. That is it. I said I didn't even
21 know Mr Scott. At that time I didn't even
22 know what he looked like.

23 Q. And how long did this meeting
24 last?

25 A. Well, I don't time these things --
26 a few minutes.

27 Q. How long?

28 A. A few minutes -- which they
29 could have talked on the 'phone -- very shortly.

30 Q. That is all that you can
remember of what was discussed that day?



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He was just about to finish

the meeting and was in the room

at the time.

Dave Humphrey and
Bill [unclear]

and [unclear]

and [unclear]

was mentioned and [unclear]

mentioned by name to him.

He said that [unclear]

of it. [unclear]

and [unclear]

and [unclear]

and [unclear]

and [unclear]

and [unclear]

and [unclear]

and [unclear]

and [unclear]

and [unclear]



1

A. That is what we talked about.

2

There is no remembering. That is it.

3

4

Q Did you make arrangements
at that time to meet again, to go over the same
ground?

5

6

A. I didn't see them at all.

7

I did not see Mr Lawrence for a year and a
half to two years later -- in the bowling
alley.

8

9

10

11

Q You did not see him until
you met him in the bowling alley -- is that
the Olympia?

12

13

14

A. The Olympia.

15

Q In Toronto?

16

A. I never saw him until then.

17

18

Q And how did that meeting come
about?

19

20

21

22

23

24

25

26

27

A. That meeting came about, that
Mr Petrochenko was mentioned in the paper,
and I got subpoenaed, and he says to me,
he wants to know how come his name was
mentioned in there, and that he was supposed
to give me some kind of money, or something --
it said in the paper. All he wanted to know
was where they got this cock-and-bull story.
No, he wanted to talk to me.

28

Q Who was with Petrochenko?

29

A. A young lad from Thorold.

30

Q And his name?

A. Roy.





1 And what was his business? What
2 was his business?

3 A. Clothing business.

4 Q. Was he a bookmaker?

5 A. At this time?

6 Q. At this time?

7 A. I am not qualified to answer
8 that question.

9 Q. Was he in the booking, the bookmaking
10 business the last few years? Was he or was
11 he not?

12 A. I think he should answer his
13 own questions.

14 Q. You tell me.

15 A. All I could see.....

16 THE COMMISSIONER:

17 Q. All you could see what?

18 A. All I know is what I could see.

19 Q. What did you see?

20 A. I should imagine he is a book-
21 maker, yes.

22 Q. You imagine? You know.

23 A. Yes.

24 Q. Why didn't you say so in the
25 first place?

26 MR. BALSON:

27 Q. Did you lay-off with him?

28 A. I have exchanged money with him.

29 Q. You laid off with him on
30 occasions, and he with you on occasions, is that





1 it?

2 A. I would say so, yes.

3 Q. How did you make arrangements
4 for the trip to Toronto?

5 A. The trip to -- I called
6 Mr Lamorie.

7 Q. And where was he?

8 A. At home.

9 Q. Where is that?

10 A. In Ridgeway, or somewhere. In
11 Ridgeway or somewhere. I asked him.

12 Q. Did you talk to him at Ridgeway
13 on the 'phone?

14 A. On the 'phone, I talked to
15 him, and I asked him what all this was coming
16 to. What it was coming to, and what was it
17 about. I got subpoenaed. Are they fighting
18 amongst themselves? Are they going to jump
19 me because I was convicted? And I figures
20 my name, they are using it because it is so
21 easy to use my name and I can't argue back,
22 because I am convicted, a convicted bookmaker.
23 That is what I asked him.

24 Q. Did you go up to Fort Erie
25 and get Lamorie?

26 A. No.

27 Q. How did you get to Toronto
28 that day?

29 A. I drove in a car.

30 Q. Who with?



107

I want to say to you.

For the trip to London.

The trip to London.

And when you get

to London.

There is a letter

in London, or somewhere.

It is a letter, I want to say.

It is a letter, I want to say.

It is a letter, I want to say.

It is a letter, I want to say.

And I want to say to you: it is a letter.

It is a letter, I want to say.

It is a letter, I want to say.

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It is a letter, I want to say.

It is a letter, I want to say.

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A. Mr Lenore.

Q. Where did you pick him up at?

A. At the Falls.

Q. He had driven to the Falls?

A. I was there.

Q. You met him there?

A. That is where I was.

Q. What about Petrochenko?

A. Petrochenko was interested to talk to this other chap, figuring that way, the way the basis was, all this here, that he was supposed to be giving me money, and he -- that he had got pinched. That is the sum and substance. That is all he asked about.

THE PROSECUTOR:

Q. I do not understand that.

A. All he asked about, why his name was mentioned, and here he was, reided and pinched, convicted. Why should his name be mentioned? When he got pinched he was supposed to be giving money to get pinched.

Q. Did you give money to him?

A. No, that is what was in the paper.

Q. In the paper?

A. Yes -- from Mr Lawrence and Mr Lenore -- what is it all about? When he confronted him, Mr Lawrence, Mr Lawrence didn't even remember him. He did not even remember him.



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MR WILSON:

Did not remember who?

A. Mr Petrochenko, because he had already pinched him a couple of years ago.

His memory is as bad as your's, isn't it?

A. I am not qualified to answer that, what is somebody else's memory, or brains, or anything.

Q. When you got to Toronto, who was present at the discussion at the Olympia? Was it in the Olympia?

A. Right in the Olympia.

Who was present?

A. There was Mr Lemorie, who went for a beer, and Mr Petrochenko, and myself, and Mr Lawrence.

What was discussed?

A. Just that what I said.

Q. Just that what you said a moment ago?

A. Yes. Why his name was mentioned.

Q. And how long did that meeting last?

A. Five or ten minutes. Time enough to drink a coffee, and that is it.

Q. And then, have you had any -- after that did you have any further meetings with any of those people before you came here to-day?

[illegible]



1
2 A. That is the two meetings I told
3 you.

4 Q. Yes.

5 A. With Mr Lawrence.

6 Q. Yes?

7 A. And that is it, with Mr Lawrence.

8 Q. And that is it with Mr Lamerie?

9 A. Mr Lamerie was two meetings --

10 I can't remember if I was at another one. I

11 remember I called him.

12 Q. When did you call him?

13 A. At least two and a half to three
14 months ago, may be a year ago, five months ago --
15 I can't remember.

16 Q. What did you call him about?

17 A. The same thing.

18 THE COMMISSIONER:

19 Q. What it all meant?

20 A. What is it all about? What is
21 it all about? That's right.

22 MR WILSON:

23 Q. You had three meetings and
24 you discussed what it is all about?

25 A. Yes.

26 Q. And were you any the wiser?

27 A. I am not any wiser to-day.....

28 THE COMMISSIONER:

29 Q. Pardon?

30 A. No, sir.



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Q Now is the two minutes I told

A Yes.

Q Yes.

A Yes, I will be there.

Q Yes.

Q And that is it, with the two minutes.

Q And that is it, with the two minutes.

Q The two minutes was the meeting.

A I can't remember if I was at another one. I

wasn't there.

Q When did you call him?

A As far as I know, he called me to come

to the meeting, and he was there.

Q Yes, I remember.

Q When did you call him?

A Yes, I called him.

Q Yes, I remember.

Q Yes, I remember.

Q And that is it, with the two minutes.

A Yes, I remember.

Q Yes, I remember.

Q Yes, I remember.

Q You remember that it is all about?

A Yes.

Q And were you out the whole time?

A I am not sure about that.

Q Yes, I remember.

Q Yes, I remember.

Q Yes, I remember.



1
2 MR WILSON:

3 Q You have not -- is there
4 anybody else you have talked to about the
5 Commission, and the fact that you have been
6 subpoenaed? You said about McDermott and Fealay.....

7 A Hundreds of people. Hundreds
8 of people. They asked me what is going on
9 over there -- (inaudible) -- they asked
10 me in the locker room. I know it is a joke
11 to you people, but it isn't to me. That's right,
12 hundreds of people.

13 Q You have told us what you told
14 these people. We do not need to go over that.

15 THE COMMISSIONER:

16 Q You have omitted nothing?

17 A I am telling the truth.

18 Q You have not omitted anything,
19 have you?

20 A I don't think so.

21 MR WILSON:

22 Q You mentioned Mr McDermott.
23 How long have you known him?

24 A I would say four or five years,
25 I would say.

26 Q How did you come to know him?

27 A When I was bookmaking he would
28 write some of my sheet when I was away. He
29 was also booking on his own. He would write
30 some of my sheet, too.





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Q. He worked for you?

A. In a sense -- in a sense no.

THE CHAIRMAN:

Q. What?

A. He would get five cents in the dollar in the time he was writing for me.

MR. WILSON:

Q. Did you pay him by the week, or on commission?

A. On commission, on what he took in.

Q. Is that since 1958 that that has been going on?

A. I don't think he worked five months for me. He would go in a cons, and when I found out -- I called him, and I found out. He got everything mixed up, and I would not let him write my sheet no more, so I quit. He is a sick man. He is not responsible for what he does or says. He has sugar. When he gets into a cons everything releases.

Q. He is an accountant, isn't he?

A. I don't know.

Q. He kept your book, your back end?

A. He wrote for himself and may be somebody else. I don't know.

Q. From the Fall of 1959 to May of 1960, was he working for you then?





1

A. I don't recall.

2

3

Q. When did he stop working for you?

4

5

A. When I found him in that condition.

6

7

Q. When you found him in that condition?

8

9

A. That's right.

10

Q. When was that?

11

12

A. When he had done a day's business, or half a day's business, he went into a coma. So, I called him up, and he was going on and he couldn't make any sense. I called a person there and said to get him some sugar, because he was a sick man. That is the end of it.

17

18

Q. People told me they had put \$3 on a horse, and they hadn't, and I had to pay. That was the end of that.

20

21

Q. When did you xxx last have dealings with him, as far as the operation of your book is concerned?

23

24

A. I can't -- I don't remember, that is.....

25

26

Q. You.....

27

A. That is.....

28

Q. You remember him being charged, don't you?

29

30

THE COMMISSIONER:

Q. Do you?

[illegible]



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A. I remember he was convicted, yes.

4

Q. Do you remember him being charged?

5

6

A. I think he did, I remember.

7

Q. You know he was charged and convicted, wasn't he?

8

9

A. Yes.

10

Q. Yes.

11

MR. WILSON:

12

Q. As a matter of fact that was in the Fall of 1960, wasn't it?

13

14

A. I would have to see it. I cannot elaborate on it.

15

16

Q. Your memory is not that bad, is it? Did you do any business with him in ~~1961~~ 1961?

17

18

19

A. I don't think, I don't think I did. I just don't remember. Like I say, it was just a month or two months deal with him, until he got sick.

20

21

22

23

THE COMMISSIONER:

24

Q. When he was writing your sheets what place was he operating from?

25

26

A. Right out of his house.

27

Q. How did you square up with him?

28

A. I got him -- I got him in, and I did the totals.

29

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Q. From day to day, or how did you square up?



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Q I remember he was convicted, yes.

A No you remember him being

convicted?

A I think he did, I remember.

Q You know he was convicted and

convicted, wasn't he?

A Yes.

A Yes.

Q Now, when

is a matter of fact that

was in the fall of 1935, wasn't it?

Q I don't know, I don't know.

Q I don't know, I don't know.

A Your memory is not good, is it?

Q Did you do any business with him in

1935?

A I don't know, I don't know.

Q I don't know, I don't know.

Q Is there just a matter of two weeks and then

you were in the state?

Q When he was convicted, what was he

convicted of?

A I don't know, I don't know.

Q Now did you know him at that time?

A I don't know, I don't know.

Q And I don't know.

Q When you go to court, or are you



1
2 A. When I saw him, which was pretty
3 near every day, in the poolroom -- he lives
4 just around the corner -- if I did not want
5 to see him I would bump into him.

6 MR. WILSON:

7 Q. When he was arrested his ~~bank~~ bail
8 was \$500.

9 A. He put it up.

10 Q. You say he did? You are
11 swearing now, on oath, that you did not put it up,
12 or any part of it?

13 A. Any part of it?

14 Q. Yes.

15 A. Well, I might have helped him.....

16 THE COMMISSIONER:

17 Q. You put up the whole bail, did you
18 not?

19 A. No, sir, absolutely not.

20 Q. You swear to that?

21 A. The whole bail?

22 Q. You did not put up the whole
23 bail, you swear to that? You swear to that?

24 A. If I put the whole bail it was
25 part of his money. If I went there, and put
26 the bail there, there was his money in there, too.

27 Q. How much did you put in?

28 A. Whatever left he couldn't put
29 in. I don't know how much it was at that time.

30 MR. WILSON:

Q. When did you give the money, at your



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Q. Now I saw him, when you were
here every day, in the position -- he was
just around the corner -- is it not true
to see him I would bump into him.
A. Yes.
Q. And he was always in the same
place?
A. Yes.
Q. Now say to him, "You are
swearing now, are you, that you did not do it,
or any part of it?"
A. Yes, part of it.
Q. Yes.
A. Well, I cannot have helped him.....
Q. For part of the whole ball, did you
say?
A. No, sir, absolutely not.
Q. You were not with him?
A. The whole ball?
Q. You did not put on the whole
ball, you want to know? You want to know?
A. If I put the whole ball in the
cup or his money. If I want to know, and you
the ball in the cup, there was a hole in the cup, and
now much the ball put in
the cup, that is what I mean.
Q. I want to know how much it was in the cup.
A. Well, it was five or six dollars.



1 -- when did you give the money that was used
2 for cash bail for him?

3 A. I really don't know. I can't
4 remember that far back.

5 Q. Was it all in twenties?

6 A. I don't know.

7 Q. Didn't you give \$500 in twenty
8 dollar bills to Mrs McGroarty?

9 THE CHAIRMAN: Answer the question.

10 A. Give the whole \$500?

11 Q. That is right?

12 A. No.

13 MR WILSON:

14 Q. You gave the money to her to
15 cover the bail?

16 A. I gave her some of the money
17 he had coming.

18 Q. How much?

19 A. I don't recall how much. There
20 was some -- I don't recall how much.

21 Q. Who paid -- he was convicted,
22 wasn't he?

23 THE CHAIRMAN: Answer the question.

24 A. He was convicted, yes. It is
25 on the record there.

26 Q. Why don't you answer the
27 questions without hesitating?

28 A. Yes.

29 MR WILSON:

30 Q. He had Mr Keenan, who is appearing





1
2 for you to-day, appearing for him?

3 A. Yes.

4 Q. Who paid Mr Keenan's bill?

5 A. Might I say, the money I had --
6 the money he had coming to him, I put in towards
7 helping him. He was owed money. He had
8 five cents in the dollar coming.

9 Q. How much did you owe him at
10 the time he was arrested?

11 A. I don't know.

12 Q. You don't know?

13 A. No, sir.

14 Q. How much was he fined?

15 A. I don't recall that either.

16 Q. How much?

17 A. Mrs McGroarty paid the fine,
18 didn't she? I don't know.

19 Q. How much did you pay Mr Keenan
20 for his services in connection with this?

21 A. I don't know that either. He will
22 have the bill. I can't remember that. I don't
23 know.

24 Q. But you paid Mr Keenan's fee?

25 THE CHAIRMAN: Answer the question.

26 A. Yes. I paid him because I
27 owed McGroarty money for the business he had
28 contacted for me.

29 MR WILSON:

30 Q. Putting on the cash bail, after
that, and the fine was paid, and Mr Keenan was





1 paid, how did your account with McCrearty stand
2 then?

3 A. I think, I think he owed me a
4 few dollars.

5 Q. Tell me exactly what McCrearty
6 did in connection with this work he did for you?

7 A. All he done was write bets
8 down of the people that called after I had
9 left. I left early, and he would write them one
10 or two hours. That is what he did for me.

11 Q. You played golf every day,
12 you said, pretty well. Who ran the business
13 when you were out on the golf course?

14 A. What business? I didn't
15 conduct any business.

16 Q. The bookmaking business? Isn't
17 that a business, or what do you call it?

18 A. I was out on the golf course,
19 and when I am on the golf course I am not
20 conducting any business then.

21 Q. McCrearty looked after it
22 when you were out playing golf?

23 A. For two or three months he
24 worked for me, yes. That is it.

25 Q. What about laying off bets? Did
26 he having anything to do with that?

27 A. On his own. I don't know what
28 he was doing on his own.

29 Q. Did he
30 ~~xxxxxxx~~ lay off bets with you?

A. The old daily doubles with me, yes.



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The first part of the book is devoted to a general
survey of the subject, and is intended to give the reader
a general idea of the scope and extent of the work.
The second part is devoted to a detailed description of the
various methods of investigation, and is intended to give the reader
a more complete knowledge of the subject.
The third part is devoted to a description of the various
instruments used in the investigation, and is intended to give the reader
a more complete knowledge of the subject.
The fourth part is devoted to a description of the various
results obtained, and is intended to give the reader
a more complete knowledge of the subject.
The fifth part is devoted to a description of the various
conclusions reached, and is intended to give the reader
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The sixth part is devoted to a description of the various
recommendations made, and is intended to give the reader
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conclusions reached, and is intended to give the reader
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recommendations made, and is intended to give the reader
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conclusions reached, and is intended to give the reader
a more complete knowledge of the subject.
The tenth part is devoted to a description of the various
recommendations made, and is intended to give the reader
a more complete knowledge of the subject.



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2 A. I am taking it seriously. There is
3 Benny Swartz, that is one place.....

4 Q. That is one. Where else?

5 A. And Petrochenko and I exchanged
6 the odd bets, and that is all.

7 Q. No, no.

8 MR. WILSON:

9 Q. What about McIlwaine?

10 A. McIlwaine, no. I never done
11 no business with McIlwaine.

12 Q. You said there were a lot of
13 people you laid off with. You have named
14 two; just two.

15 A. I said there were a lot of
16 bookmakers. He could -- I don't know what
17 he is doing. I said what I could do.

18 Q. You tell us who else you laid
19 off with?

20 A. Petrochenko.

21 THE COMMISSIONER:

22 Q. And Benny across the river?

23 A. Benny Swartz, yes.

24 Q. Who else across the river?

25 A. That is all.

26 Q. What?

27 A. That is all.

28 Q. Are you swearing to that?

29 A. Laid off, yes. Yes, laid off
30 bets to?

Q. That is my question.



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A. I will swear to that.

Q. That is what you are swearing to. That is the truth?

A. Yes.

Q. If we hear that you laid off with any others, what do you say?

A. I can't believe it. I would not say it.

Q. You probably have a rude awakening coming to you.

A. That is all right.

MR. WILSON:

Q. Did you ever receive any money from Petrochenko, or any other bookmakers in the Niagara Peninsula to provide protection for them, or give them tip-offs on raids?

A. No sirree.

Q. Did you ever receive any money from McDermott or Feeley for providing services on tip-offs?

A. No.

Q. And.....

MR. WILSON:

Q. Are you swearing to that?

A. Yes, because how could I give anybody a tip-off on anything.....

MR. WILSON:

Q. Just answer the question, never mind how or why?

A. That's why I am here, wondering





1 about it.

2 THE CHAIRMAN: You will find out
3 in the course if you are patient.

4 MR. WILSON: Did you ever pay any money to
5 Constables Lawrence or Lanerie?
6

7 A. Not a nickel.

8 Q. Not a nickel?

9 THE CHAIRMAN: Any money at all?

10 A. Any money at all?
11 A. Not a nickel. I never gave him
12 a nickel.

13 Q. No money?

14 A. No money from a nickel up or
15 down.

16 MR. WILSON: Did you ever have any person

17 Q. Did you ever have any person
18 give them money on your behalf?

19 A. No, sir.

20 Q. Now, have you got any better
21 recollection about the size of the book you
22 operated in 1959, the volume. Any better
23 recollection than you had this morning?

24 A. Close to \$200, I would say.

25 Q. \$200 a day?

26 A. Two to three hundred.

27 THE CHAIRMAN: It started this
28 morning at \$100 and \$150, and now it is \$300.

29 A. You think I totalled every day?

30 Q. Yes, I do.



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3 A. No, I don't. I give out what
4 I owe. I don't total it myself. I don't know.
5 I don't know how much is in my pocket right now.
6 It might be \$8.

7 MR WILSON:

8 Q. If you did not know, who did?

9 A. All I totalled was how much
10 I had coming, and how much I had going out.

11 Q. So, you did total those figures?

12 A. That's it, win and loss.

13 Q. How much do you say you made
14 on the operation of your book in 1959?

15 A. Made?

16 Q. Yes?

17 A. I lost money.

18 Q. How much did you lose?

19 A. Well, I lost whatever I had.

20 Q. What did you have?

21 A. What I could borrow from my
22 sisters.

23 Q. How much did you borrow from
24 your sisters?

25 A. I don't know. Anything they
26 got.

27 Q. Give us the names of your
28 sisters.

29 A. Rose and Mary.

30 Q. And their last names, Balson, or
are they married?





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A. Balsam and Chickakien.

Q. And Rose Balsam lives where?

A. 35 Rodman Street.

Q. What place?

A. 35 Rodman Street.

THE COMMISSIONER: What city?

Q. What city?

A. St. Catharines.

MR WILSON:

Q. How much did you borrow from Rose?

A. I am don't know. Just enough to pay.....

Q. Tell us how much you borrowed from Rose?

A. I don't know -- 20,50,100, 30.

THE COMMISSIONER:

Q. Did you ever pay her back?

A. If I made some money, certainly, I just couldn't keep borrowing and not pay her back.

MR WILSON:

Q. Do you owe them money to-day?

A. I do, for taxes on the house.

Q. How much do you owe Rose to-day?

A. Usually.....

THE COMMISSIONER: How much do you owe?

A. For the taxes.



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1
2 MR. CLARK: Mr Commissioner, if the
3 witness does not answer I move to have him
4 committed for contempt.

5 A. I am answering. I owe for the
6 taxes, \$380 -- I owe her for that, and that
7 is about it. May be a small, a few small loans.

8 Q. How much in 1959 did you borrow
9 from Rose?

10 A. In 1959?

11 Q. Yes. You said you lost money
12 that year?

13 A. 1959 -- I did not borrow that
14 much money. All I lost on bookmaking, \$100,
15 \$150.

16 Q. What about your other sister?

17 A. Mary?

18 Q. Mary what?

19 A. Chichakian.

20 Q. How do you spell that?

21 A. C-H-I-C-H-A-K-I-A-N.

22 Q. And where does she live?

23 A. In St. Catharines.

24 Q. How much did you borrow from
25 her in 1959?

26 A. I borrowed to help.....

27 Q. How much?

28 A. I would say a few hundred dollars.

29 Q. Have you borrowed anything
30 since 1959 from Rose, or from your other sister?

 A. Oh, yes.



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Q. How much?

A. Well, right now I owe Rose
for \$385 on last year's taxes.

page 7175 follows



1900

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1 MR. WILSON: Q. What do you owe your
2 other sister?

3 A. The other sister I owe here I would
4 say, \$100.00, anyways -- \$100.00, \$150.00.

5 Q. Now, in 1959 did you have any
6 other means of support apart from your book?

7 A. Just the bowling.

8 Q. Eh?

9 A. Just the bowling.

10 Q. The bowling, yes; and you told us
11 you made a few hundred at the bowling?

12 A. That's right.

13 Q. At what would you value the house
14 you live in?

15 A. I don't know; it's my sister's
16 house.

17 Q. It's in Rose's name, is it?

18 A. It's my sister's house.

19 Q. You say it is your sister's house?

20 A. That's right.

21 Q. And, how did you provide for your
22 family -- How big a family have you got?

23 A. I got three children.

24 THE COMMISSIONER: I thought he was going
25 to say he didn't remember.

26 MR. WILSON: Q. You thought that would
27 be a safe one?

28 And, in 1960, did you make any money on
29 the operation of your book?
30



Q. Now, in 1950, did you have any money on

the 15th of May?

A. The other sister I saw last I would

say, 1950, maybe 1951, 1952.

Q. Now, in 1950 did you have any

other money at home? What was the name

A. Just the money.

Q. Why

A. Just the money.

Q. The money, yes; and you told us

you made a few hundred at the bowling?

A. That's right.

Q. At what would you value the money

you had?

A. I don't know; it's my sister's

money.

Q. It's in Home's name, is it?

A. It's my sister's house.

Q. You say it is your sister's money?

A. That's right.

Q. And, how did you provide for your

family -- how did a family live on that?

A. I got three children.

THE COMMISSIONER: I think we are going

to say he didn't remember.

MR. WILSON: Q. You showed that would

be a safe bet?

A. In 1950, did you have any money on

the 15th of May?



1 A. Yes, very small.

2 Q. Very small? How much?

3 A. Just enough to get by; I didn't
4 lose money.

5 Q. How much was it, \$100.00 or \$500.00,
6 or ten thousand?

7 A. I would say I would make \$70.00 a
8 week; seventy-five. That's all I live for; I
9 don't get no money.

10 Q. Tell me, when this fellow
11 McGuirearty was working for you, you said you paid
12 him on the basis of five per cent?

13 A. Hm-hmm.

14 Q. What would that run a week during
15 the time you say he worked for you?

16 A. His would come to maybe thirty-
17 five or fifty dollars a week -- forty.

18 Q. Well, fifty dollars a week would
19 be---

20 A. He would write \$1,000.00 a week,
21 \$20.00 a day; \$150.00 a day, because I never
22 stayed there; he wrote mostly all of it. I was
23 just there for a little while, and then I would
24 leave, and then he would write it and, until
25 such time I found out he was a sick man and not
26 responsible, that was it; that was it.

27 Q. You haven't told us when that
28 happened, when you found out he was not a well
29 man and you ceased to do business with him?

30 A. You would have to get his doctor's



Q. Now, what was the date?

A. The date was May 1st.

Q. Just enough to get by? I think?

A. Yes, sir.

Q. How much was it, \$100.00 or \$200.00?

A. I don't know.

Q. I would like to know how much it was.

A. That's all I have for you; I have five dollars.

Q. That's all you have?

A. Yes, sir.

Q. Now, what was the date when you were working for me, you said you were?

A. I was working for you on the 1st of May.

Q. Now, what was the date when you were working for me, you said you were?

A. I was working for you on the 1st of May.

Q. Now, what was the date when you were working for me, you said you were?

A. I was working for you on the 1st of May.

Q. Now, what was the date when you were working for me, you said you were?

A. I was working for you on the 1st of May.

Q. Now, what was the date when you were working for me, you said you were?

A. I was working for you on the 1st of May.

Q. Now, what was the date when you were working for me, you said you were?

A. I was working for you on the 1st of May.

Q. Now, what was the date when you were working for me, you said you were?

A. I was working for you on the 1st of May.

Q. Now, what was the date when you were working for me, you said you were?

A. I was working for you on the 1st of May.

Q. Now, what was the date when you were working for me, you said you were?

A. I was working for you on the 1st of May.

Q. Now, what was the date when you were working for me, you said you were?

A. I was working for you on the 1st of May.



1 reports; I don't know that much about the
2 fellow.

3 Q. Were you still doing business
4 with him in October, 1960, when he was convicted
5 as a bookmaker?

6 A. I should imagine.

7 Q. Yes, and how long after that
8 did you cease having any business dealings with
9 him?

10 A. I don't remember; it is a long
11 time since he got sick.

12 Q. Well, sometime between October of
13 '60 and to-day?

14 A. Well, he booked himself; he booked
15 for ~~himself~~ somebody else.

16 Q. I am asking you about your
17 relations with him after October, 1960; how long
18 did they continue?

19 A. For the year? One month, or --
20 I can't remember the month, or what---

21 Q. Now---

22 May I have Exhibit 159? Give it to The
23 Commissioner, please.

24 Q. Now, we have filed as an exhibit
25 here a summary of certain phone calls, Exhibit 159,
26 and I call your attention to certain calls that
27 were made to your number from March through to
28 May of 1960, and all are from a number which
29 on the evidence that has been given, we have
30 been told was used by McDermott.



1 I don't know how long it's been

2 since.

3 A. Well, I don't know.

4 I don't know how long it's been

5 since.

6 A. Well, I don't know.

7 I don't know how long it's been

8 since.

9 A. Well, I don't know.

10 I don't know how long it's been

11 since.

12 A. Well, I don't know.

13 I don't know how long it's been

14 since.

15 A. Well, I don't know.

16 I don't know how long it's been

17 since.

18 A. Well, I don't know.

19 I don't know how long it's been

20 since.

21 A. Well, I don't know.

22 I don't know how long it's been

23 since.

24 A. Well, I don't know.

25 I don't know how long it's been

26 since.

27 A. Well, I don't know.

28 I don't know how long it's been

29 since.



1 Now, in March 14th, 1960, there is
2 shown a call at 11:30 a.m. of three minutes;
3 another at 8:09 p.m. of three minutes, and one
4 at 8:12 p.m. of twentyfive minutes.

5 THE COMMISSIONER: What date?

6 MR. WILSON: That is March 14th, on page 5
7 of Exhibit 159; and in order to---

8 THE COMMISSIONER: I have those.

9 MR. WILSON: In order for you to follow,
10 it would be the second,.....

11 THE COMMISSIONER: Third?

12 MR. WILSON: No. The second and the last
13 two on that date.

14 Q. Your number was what in St. Catharines
15 in March of 1960? What was your number?

16 A. I am trying to think of it. If
17 you mention it I would know; I would tell you.

18 Q. Murray 5-7595, wasn't it?

19 THE COMMISSIONER: Murray 2-5748?

20 MR. WILSON: Q. Murray 2-5748?

21 A. That's my number.

22 Q. Well, whose number is Murray 5-7595?

23 A. I don't know.

24 Q. This is a -- The Ace Bowling Alleys;
25 did you ever go there?

26 A. Occasionally, yes.

27 Q. Because, on the third call, the
28 twenty-five minute call, it was to you at the
29 Ace Bowling Alleys, and it was a person-to-person
30 call.



For, in March 1933, 1934, there is

another at 600 km. of three meters, and one

at 600 km. of three meters, and one

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at 600 km. of three meters, and one

cell.



1 A. Mm-hmm. I didn't get the call.
2 If he says he talked twenty-five minutes, I don't
3 know who he talked to; he didn't call me. There's
4 different phones out there. They may look at it
5 and they can call any number there.

6 Q. That is a person-to-person call
7 to you..

8 A. I didn't get it.

9 Q. You say you didn't get it?

10 A. I didn't get it.

11 Q. What would he be calling you on the
12 other two occasions for that day?

13 A. Just that...

14 Q. March 14th.

15 A. ...I called him.

16 Q. I am telling you these are calls
17 he made to you.

18 A. Yes, about bets, naturally.

19 Q. Then, on March 23rd, which is on
20 page 7, the last item under that date was a call
21 to Balsom; and the next one was March 26th,
22 which is on page 8, and it is the -- again, the
23 last one for that date.

24 On March 27th there is one call recorded,
25 and that was to Balsom.

26 On April 9th there are three calls: One
27 at 2:11 p.m., which was person-to-person to
28 Balsom at the Parkway. What is the Parkway?

29 A. It is ^a bowling alley.
30



A. ... I didn't get the call.

It is said he talked twenty-five minutes, I don't

know what he said but he didn't call me. ...

... I don't know what he said. ...

... and they will say what they want.

Q. That is a person-to-person call

to you.

A. ... I don't know.

Q. You say you didn't get it?

A. ... I didn't get it.

Q. What would be the calling you on the

... I don't know.

A. ... I don't know.

Q. ... I don't know.

A. ... I don't know.

Q. I am calling you from my office

... I don't know.

A. ... I don't know.

Q. ... I don't know.

page 7, the last item under that date was a call

to ... and the next one was ...

which is on page 8, and it is the -- ...

... I don't know.

On March 27th there is one call recorded.

and that was to ...

on April 1st there are three calls ...

at 2:11 p.m., which was person-to-person to

... I don't know.

A. It is the ...



1 Q. It is a bowling alley. Do you
2 frequent that place?

3 A. I go there and bowl.

4 Q. Yes. And, at 4:04 p.m. there was
5 a further person-to-person call to Balsom at the
6 Parkway and, thirdly, there was a call at 9:58
7 to Murray 2-5748.

8 Now, April 9th, 1960 may stand out in
9 your memory because it was just before the
10 Parkdale Recreation Club was to open. Tell us
11 what you know about the Parkdale Recreation Club?

12 A. A club?

13 Q. Yes.

14 A. I never --- I don't frequent clubs
15 any more; I used to.

16 Q. I am just asking you do you know
17 anything about the Parkdale?

18 A. The Parkdale; it is in
19 St. Catharines.

20 Q. That is right.

21 A. I haven't been in, around any clubs
22 seven years -- six, seven years.

23 Q. Did you have anything to do with
24 the setting up of an operation at the Parkdale
25 Recreation Club?

26 A. No, never.

27 Q. Have you ever been in the Parkdale
28 Recreation Club?

29 A. Hundreds of times before I was
30 married.



Q. In the morning, did you

know where the plane was?

A. I do not know.

Q. Yes, at about 8:00, did you

know where the plane was?

A. Yes, actually, I did not know.

Q. Did you know

where the plane was?

A. I do not know.

Q. Did you know where the plane was?

A. I do not know.

Q. Did you know

where the plane was?

A. I do not know.

Q. Did you know where the plane was?

A. I do not know.

Q. Did you know where the plane was?

A. I do not know.

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A. I do not know.

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Q. Did you know where the plane was?

A. I do not know.

Q. Did you know where the plane was?

A. I do not know.

Q. Did you know where the plane was?

A. I do not know.



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Q. You don't know the Parkdale?

That wasn't one of the subjects you were discussing with McDermott at that time?

A. The Parkdale?

Q. I am asking you.

A. No, sir. The Parkdale? No, sir.

Q. On March 10th -- On April 10th, which is on page 11, at 1:19 there was a call to the Parkway Lanes. Now, that was a direct dial call. Was there anybody else that McDermott was calling at the Parkway?

A. It's possible.

Q. Did you hear of anybody else talking to him at that club?

A. No. He would know.

Q. I am asking you if you know.

A. No, he would know that.

Q. You don't know anybody else he talked to at that number?

A. I'm not even concerned. Didn't even think about it.

Q. Then, on April 13th at 11:08 p.m. there is a call to your home number. On April 11th there is a call to your home number at 1:18 a.m. What would he be calling you at 1:18 a.m. in the morning for?

A. About the baseball or horses; what else?

Q. That's what I am asking you. What else?



A. The fact that the telephone

was not in the house at that time

because the telephone is not in

the house.

A. I do not know.

Q. Now, the telephone is not

in the house at that time.

A. It is not in the house at that time.

Q. Now, the telephone is not in the house

at that time, is it?

A. Yes, it is not in the house.

Q. Now, the telephone is not in the house

at that time, is it?

A. Yes, it is not in the house.

Q. Now, the telephone is not in the house

at that time, is it?

A. Yes, it is not in the house.

Q. Now, the telephone is not in the house

at that time, is it?

A. Yes, it is not in the house.

Q. Now, the telephone is not in the house

at that time, is it?

A. Yes, it is not in the house.

Q. Now, the telephone is not in the house

at that time, is it?

A. Yes, it is not in the house.

Q. Now, the telephone is not in the house

at that time, is it?

A. Yes, it is not in the house.

Q. Now, the telephone is not in the house

at that time, is it?



1 A. That's the only business I ever
2 done with him.

3 Q. What would give rise to a call at
4 that hour of the day?

5 A. 1:18?

6 Q. Yes.

7 A. Because he was going away, or
8 something, and he wanted me to talk to him about
9 the money.

10 THE COMMISSIONER: Q. What money?

11 A. If I owed him some money.

12 MR. WILSON: Q. Then, on April 11th, the
13 same day, at 6:02 p.m. there is a further call,
14 and that was eight minutes and fifty-eight cents --
15 eight minutes and fifty-eight seconds. What would
16 you be talking about for eight minutes fifty-eight
17 seconds?

18 A. The odds, possibly.

19 Q. He didn't go away that day,
20 because he was calling you that evening at 6:02.

21 Then, on April 15th you had a nine-minute
22 call from him at the Parkway. On April 22nd,
23 a ten-minute call direct to you at your home,
24 and that was followed by a call on April 25th
25 at 6:37 p.m. of four minutes. And, one on May 7th
26 to your home at 7:30 p.m. that lasted twenty-eight
27 minutes.

28 Now, what would you be talking about
29 for twenty-eight minutes?
30



Q. Now, what would you be talking about?

A. I don't know.

Q. What would give rise to a call at

that time of the day?

A. I don't know.

Q. Yes.

A. I don't know.

Q. Now, you are saying that you don't know

the company.

A. I don't know.

Q. It is not your company.

A. I don't know.

Q. Now, you are saying that you don't know

the company, and you are saying that you don't know

the company, and you are saying that you don't know

the company, and you are saying that you don't know

the company.

A. I don't know.

Q. He didn't go away from you.

A. I don't know.

Q. Now, you are saying that you don't know

the company, and you are saying that you don't know

the company, and you are saying that you don't know

the company, and you are saying that you don't know

the company, and you are saying that you don't know

the company, and you are saying that you don't know

the company.

Q. Now, what would you be talking about?

A. I don't know.



1 A. The same thing I told you, and
2 my kids, and the wife, and "How's everything?",
3 and the horses, and baseball.

4 Q. Were you a close personal friend
5 of McDermott?

6 A. Well, not that personal, but I bet
7 horses with him. He would pay. That is the---

8 Q. So that your business was such
9 that you required twenty-eight minutes that day
10 to settle it; is that right?

11 A. Possibly, yes.

12 Q. And, then, on May 14th at 10:26 a.m.
13 there is a thirteen-minute call.

14 So that you say all these calls were about
15 bets?

16 A. That's right.

17 Q. And, when you made these calls --
18 (Let me see this exhibit I put in this
19 morning)

20 When you made these calls, did you ever
21 other than
22 discuss any other problems/in connection with the
operation of the book?

23 A. No, just How's the wife; the kids?

24 Q. And, you suggest you have never
25 discussed anything else than bets with McDermott
26 on these calls?

27 A. That's right.

28 MR. MACKINNON: What was his answer?

29 THE WITNESS: That's right.
30



Q. Now, when you say "the man," do you mean the man who was with you at the time you were arrested?
A. Yes, sir.

Q. Were you a close personal friend of the man?

A. Well, not that personal, but I had known him for some time. He would say, "I am a friend of yours."

Q. Did you ever see him at the time you were arrested?
A. Yes, sir. I saw him at the time I was arrested.

Q. Now, when you say "the man," do you mean the man who was with you at the time you were arrested?
A. Yes, sir. I saw him at the time I was arrested.

Q. Now, when you say "the man," do you mean the man who was with you at the time you were arrested?
A. Yes, sir. I saw him at the time I was arrested.

Q. Now, when you say "the man," do you mean the man who was with you at the time you were arrested?
A. Yes, sir. I saw him at the time I was arrested.

Q. Now, when you say "the man," do you mean the man who was with you at the time you were arrested?
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A. Yes, sir. I saw him at the time I was arrested.

Q. Now, when you say "the man," do you mean the man who was with you at the time you were arrested?
A. Yes, sir. I saw him at the time I was arrested.



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MR. WILSON: "That's right".

MR. MACKINNON: I thought he said something else.

MR. WILSON: Q. Now, did you tell McDermott to call a certain number and there was a certain person there that could answer the phone, and he could talk to him?

A. No, sir.

Q. You have no recollection of that?

A. No, sir. What for? If he is going to talk horses, he's going to talk it to me.

Q. As McDermott says as appears from a transcript of a conversation that was taped, that Sam Ealsom told him, "Call this number and the guy will answer the phone, and you can talk to him, which I have done."

If he said that do you say that he would not be telling the truth?

A. Say that over again: Did I give him a number to call?

Q. This is McDermott talking.

A. Ha-hum.

Q. And, he---

MR. MACKINNON: What page is that?

MR. WILSON: This is Exhibit 190, on page 8.

Q. "Call this number and the guy
"will answer the phone, and you can
"talk to him, which I have done."



107. WASHINGTON "Post & Times"

108. WASHINGTON "Post & Times" I should be able to

109.

110. WASHINGTON "Post & Times" I should be able to

111. to call a certain number and there was a number

112. person there that could answer the phone, and he

113. would call me back.

114. A. Yes, sir.

115. Q. You have no recollection of what

116. A. No, sir. That's not it. It is

117. to talk business, but going to talk to me.

118. Q. The following year he was

119. a member of a committee that was

120. very important and that was the

121. the guy will answer the phone, and you can talk

122. to him, that's what he

123. It is said that he was

124. would call me back.

125. A. Yes, that was what I did. I

126. him a number to call?

127. Q. Was he a member of

128. A. Yes.

129. Q. And, when

130. WASHINGTON "Post & Times" I should be able to

131. WASHINGTON "Post & Times" I should be able to

132. Q. Was he a member of

133. WASHINGTON "Post & Times" I should be able to

134. WASHINGTON "Post & Times" I should be able to



1 Now, did you give him a number to call?

2 A. I might have for one day.

3 Q. Who would "the guy" be?

4 A. I can't remember.

5 Q. You can't remember?

6 A. No, I can't remember. The --
7 three years -- I can't remember if I was going
8 to go somewhere and told somebody, "Call Jimmy
9 Jones, John Smith or Jack Johnson." That's a
10 long ways.

11 Q. You might, you say, have told him
12 to call some guy. What would that be in connection
13 with?

14 A. For a horse bet.

15 Q. Did you ever have a discussion
16 with McDermott about Wright, Lawrence and Lamerie
17 getting booked on their tip-off deals?

18 A. No, sir.

19 Q. You---

20 A. No, sir.

21 Q. You never discussed that with him?

22 A. No, sir.

23 Q. And, did you ever have any dis-
24 cussion with him about Lamerie, Lawrence and Scott
25 getting booked on their tip-off deals?

26 A. No, sir.

27 Q. You deny that?

28 A. I deny it.

29 Q. Now, did you ever have anything to
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Q. Now, did you give him a check at that

A. I think you let me see

Q. The word "the day" is

A. I can't remember.

Q. Now, can't remember?

A. No, I can't remember. The --

three years -- I can't remember if I was going

to go somewhere and told somebody, "Will this

person, John Baker or John Johnson." That's a

long way.

Q. Now, maybe, you say, have told him

to tell him, and then said that to the

Q. A.

Q. Did you ever have a diamond?

Q. A.

Q. A.

Q. A.

Q. A.

Q. A.

Q. A.

Q. A.

Q. A.

Q. A.

Q. A.

Q. A.

Q. A.

Q. A.

Q. A.

Q. A.

Q. A.



1 do with the Ramsay Club in Niagara Falls?

2 A. Never.

3 Q. Do you know Iannazzelli?

4 A. Very well.

5 Q. Very well?

6 A. Yes.

7 Q. And, did he ever pay any money
8 to provide protection...

9 A. No, sir.

10 Q. ...for the Ramsay Club?

11 A. No, sir. No, sir.

12 Q. Did you ever offer to?

13 A. Mr. Iannazzelli?

14 Q. Yes.

15 Q. I don't know even what capacity
16 he is in the Ramsay Club.

17 Q. I am asking you that.

18 A. No, sir, I had no protection.

19 Q. And, you say you had no deal of any
20 kind with McDermott or Feeley with regard to any
21 protection set-up in the Niagara Peninsula?

22 A. Absolutely not, absolutely not;
23 none whatsoever.

24 Q. I take it McDermott never paid you
25 any money for information that you provided in
26 regard to raids? You never were paid anything
27 by McDermott for information that you ever provided
28 or agreed to provide?

29 A. No, sir.
30



[Faint, illegible handwritten text]

of the

to be a good thing for the country.



1 Q. Do you know the Flamingo Club?

2 A. It's in the Falls.

3 Q. Did you ever have anything to do
4 with it in any way, shape or form?

5 A. Not one little bit.

6 Q. And, did you ever get any information
7 from ex--constable Lawrence about a proposed raid
8 on that club?

9 A. No, sir, and I wouldn't care if they
10 did raid it.

11 MR. WILSON: Mr. Commissioner, I would
12 ask this witness to step down and, I think, if
13 my friend is agreeable, we will postpone his
14 cross-examination, and I will call another witness
15 at this time.

16 MR. MACKINNON: I have stated to my friend
17 I would be very happy to postpone my cross-examination
18 until the other witness is completed, but I
19 certainly want to cross-examine this witness.

20 THE COMMISSIONER: I would think so.

21 Q. You just step outside and wait
22 on this floor.

23 ---Whereupon the witness withdrew.
24
25
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Q. Do you know the following facts?

A. Yes in the fall.

Q. And you have been working for it

and it is not yet, some in fact

A. Yes, the little bit.

Q. But, you have not yet been

from the... the... the... the...

on the same

A. Yes, and I would like to see it that

the same is.

Q. Witness, I would like to see it

and this witness to see them and I think it

of them is possible, so will perhaps be

... and I will not be able to

on the same.

Q. Witness, I have asked to see them

I would like to see them in fact, so will not be able to

until the other witness is completed, but I

... and I will not be able to

Q. Witness, I would like to see them

A. You have asked to see them and will

on the same.

... and I will not be able to



1 MR. WILSON: I will call Thomas McGroarty.

2
3 THOMAS JOSEPH MCGROARTY, sworn

4 EXAMINED BY MR. WILSON:

5 Q. You reside in St. Catharines?

6 A. Yes, sir.

7 Q. And you have lived there since
8 1958?

9 A. Yes, sir.

10 Q. And you are a diabetic?

11 A. Yes, sir.

12 Q. Would you like to sit down to give
13 your evidence?

14 A. No, I am all right now, sir. If
15 I feel weak I will let you know.

16 Q. If you wish to sit down, just let
17 us know.

18 How old are you?

19 A. Forty, sir.

20 Q. Before you came to St. Catharines you
21 were employed in mining work in...

22 A. Elliot Lake.

23 Q. ...Elliot Lake?

24 A. Yes, sir.

25 Q. As a bookkeeper?

26 A. I was office manager for R. M. Way
27 Company.

28 Q. Office manager. And, your
29 particular line of work is an accountant?

30 A. Yes, sir.



1914-1915

12. The first chapter is on the

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1 Q. And when you came to St. Catharines
2 with your family did you become associated in a
3 business way with Samuel Nelson?

4 A. Yes, sir.

5 Q. Now, will you tell us when that
6 happened and what the nature of the relationship
7 was?

8 A. It was in the fall of '58, and I
9 worked for another bookmaker there, writing his
10 bets, and he went broke, and he got me a job with
11 Sammy Nelson.

12 Q. Tell us now what the arrangement was.
13 Where did you work?

14 A. With Sammy Nelson at the -- first,
15 we were at the Central Poolroom, the Smoke Shop,
16 they called it.

17 Q. That is at 96 St. Paul Street?

18 A. Yes.

19 Q. And, then, was there a change of
20 address?

21 A. Yes, to my home at 26 Marigold.

22 Q. Tell us exactly what your particular
23 line of work was in this operation?

24 A. I recorded all the bets on the
25 phone, picked up the money and paid off money.

26 Q. And, what was it -- what would
27 Nelson do?

28 A. He was the boss.

29 Q. He was the boss. Tell us what he
30



Q. Now, you say that you were in the office of the

with your family and you were engaged in a

business and you were engaged in a

A. Yes, sir.

Q. Now, did you ever see any

business and with the nature of the relationship

and?

A. It was in the fall of '04, and I

was in the office of the

and in the office, and in the office

A very close.

Q. Now, you say that you were in the office of the

and you were in the office

Q. Now, you say that you were in the office of the

and you were in the office of the

and you were in the office of the

A. That is at the office of the

A. Yes, sir.

A. Yes, sir, you were in the office of the

A. Yes, sir.

A. Yes, sir, you were in the office of the

A. Yes, sir, you were in the office of the

A. Yes, sir, you were in the office of the

A. I remember all the facts of the

about, about the money, and I did not know.

A. Yes, sir, you were in the office of the

A. Yes, sir.

A. Yes, sir, you were in the office of the

A. Yes, sir, you were in the office of the



1 did, though; he must have done something?

2 A. Oh, yes, he phoned me in the
3 morning and asked me who owed, and I would tell
4 him, and he would tell me to pick it off so many
5 people, and he would pick some, and then if there
6 were some to pay, I would go out and pay them.

7 Q. Were all the bets phoned in to you
8 at these addresses?

9 A. Yes, phoned in to me.

10 Q. I understand you worked on a
11 commission basis and gathered bets up and phoned
12 them in?

13 A. Yes, sir.

14 Q. You kept the book?

15 A. Yes, sir.

16 Q. About how often would you see
17 Halson?

18 A. Every day.

19 Q. And, what about the collection of
20 monies and the payment of monies; who handled that?

21 A. Well, I did part of it, and he did
22 part of it.

23 Q. Over what period of time did this
24 carry on?

25 A. From then till November, 1960.

26 Q. In other words, from the fall of '58
27 to the fall of '60?

28 A. To the fall of '60.

29 Q. And, what was your arrangement
30



Q. Now, did you see any other people?

A. Yes, I saw some people in the

crowd, but I don't know who they were.

Q. And he would tell us the date of the

murder, and he would tell us the name of the

man who was shot, and he would tell us the

name of the man who was shot in the

at the same time?

A. Yes, I saw some people in the

crowd, but I don't know who they were.

Q. Now, did you see any other people?

A. Yes, I saw some people in the

crowd, but I don't know who they were.

Q. Now, did you see any other people?

A. Yes, I saw some people in the

crowd, but I don't know who they were.

Q. Now, did you see any other people?

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crowd, but I don't know who they were.

Q. Now, did you see any other people?

A. Yes, I saw some people in the

crowd, but I don't know who they were.

Q. Now, did you see any other people?

A. Yes, I saw some people in the

crowd, but I don't know who they were.

Q. Now, did you see any other people?

A. Yes, I saw some people in the

crowd, but I don't know who they were.

Q. Now, did you see any other people?



1 to be paid for this service?

2 A. Well, at the beginning I got forty
3 a week, and then I got seventy, and then once in a
4 while, a hundred.

5 Q. What about lay-offs of bets; who
6 handled that?

7 A. We would phone them off to different
8 bookmakers.

9 Q. Who phoned them; did you, or did
10 Elson?

11 A. Well, at the beginning, Sam did;
12 I wasn't familiar with it, and then when I got on
13 to it -- and then I got on to it, and then I
14 would lay them off.

15 Q. Who did you lay them off with?

16 A. Different bookmakers.

17 Q. Who were they?

18 A. One in Niagara Falls, New York.

19 Q. Who was that in Niagara Falls,
20 New York?

21 A. I don't know his name.

22 Q. Well, who in Ontario?

23 A. Roy, in Thorold.

24 Q. Roy Petrochanko?

25 A. Yes.

26 Q. And---

27 A. Pete Petrochanko.

28 Q. What was your percentage lay-off;
29 how much would you keep and how much would you
30 lay off?



to be with this service?

A. Well, as the beginning I got some

a head, and then I got away, and then came in a

series of letters.

Q. How about the other of letters?

Answered first?

A. We would know them all to distinguish

between them.

Q. The second group, the first, the first

group?

A. Well, as the beginning, the first

I would know them all to distinguish

between them, the first, the first

would be the first.

Q. Who was the first to write?

A. The first person.

Q. The first group?

A. One in the first group, the first.

Q. The first group in the first group?

Answered.

A. I don't know the first.

Q. Well, as the beginning?

A. Yes, to the first.

Q. The first group?

A. The first group.

Q. The first group?

A. The first group.

Q. The first group?

How much would you know and how much would you

know?



1 A. If it was 200 on a horse, we would
2 lay off about 150 of it.

3 Q. In a week in December, 1959, what
4 was your volume?

5 A. About 3,500, average.

6 Q. A week?

7 A. Yes, a week.

8 Q. What would you estimate the profit
9 was in '59 and '60 on the operation?

10 A. Well, twelve or fifteen thousand
11 dollars.

12 Q. A year?

13 A. A year.

14 Q. And, did you confine your operation
15 to the horses, or--

16 A. Yes, just the horses.

17 Q. Just the horses. You had nothing
18 to do with baseball?

19 A. No.

20 Q. And who provided the bankroll?

21 A. Sam Balsom.

22 Q. How did you work your banking, or
23 did you have any banking arrangements?

24 A. No, I don't know anything about
25 the banking arrangements.

26 Q. Just tell me how you handled the
27 money as between Balsom and yourself?

28 A. Well, if I took any money for him
29 in the evening, he would be up in the morning
30



A. It is not too far from here, is it?

Q. Yes, about 100 ft. or so.

A. In a week or two, I think, yes.

Q. And you think...

A. Yes, I think so.

Q. How many?

A. Ten, or more.

Q. And you think...

A. Yes, I think so.

Q. How many?

A. Ten, or more.

Q. And you think...

A. Yes, I think so.

Q. How many?

A. Ten, or more.

Q. And you think...

A. Yes, I think so.

Q. How many?

A. Ten, or more.

Q. And you think...

A. Yes, I think so.

Q. How many?

A. Ten, or more.

Q. And you think...

A. Yes, I think so.

Q. How many?

A. Ten, or more.

Q. And you think...

A. Yes, I think so.

Q. How many?

A. Ten, or more.



1 to pick it up, and every week he paid me, and
2 every day he paid the winners if they had a win
3 during the day.

4 Q. How much time did he spend with you
5 each day?

6 A. Not more than half an hour or an
7 hour.

8 Q. Did he look over the books from day
9 to day?

10 A. Oh, yes, and checked up on them.

11 Q. You are a bookkeeper?

12 A. Yes, sir.

13 Q. Have you still got those books?

14 A. No.

15 Q. Now, at any time did you receive
16 any instructions from Samuel Balsom about
17 advising people of any raids that might be made
18 on their premises?

19 A. Yes, sir.

20 Q. Tell us about that.

21 A. Well, he said he had a fixer.

22 MR. MACKINNON: I am sorry, I couldn't
23 hear that.

24 MR. WILSON: He said he had a fix in.

25 THE COMMISSIONER: Q. Keep your voice up.

26 MR. WILSON: Q. Keep your voice up and tell
27 us about when this happened?

28 A. Well---

29 Q. You have told us it carried on till---

There is a lot of money in the world, and every week we hear of some one who has found it. But it is not so easy to find as you think. It is not so easy to find as you think. It is not so easy to find as you think.

2. How much time did he spend with his

4. Let there be a δ such that

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1990



T. J. McGroarty

7194

1 A. Either the fall of '59 or the first
2 part of '60.

3 Q. Either the fall of '59 or the first
4 part of '60, and he told you he had a fix in?

5 A. Yes.

6 Q. Did he tell you who he had the fix
7 in with?

8 A. Yes, he mentioned two names.

9 Q. Who were they?

10 A. Lawrence and Lamorie, two O.P.P.

11 Q. And, what arrangement did you have
12 about this set-up?

13 A. They were to phone me and I was to
14 tip the raid off.

15 Q. They were to phone you and you were
16 to tip the raid off?

17 A. Yes.

18 Q. Now, did you have any list of people
19 whom you were to phone in case you got a tip-off
20 from Lawrence or Lamorie?

21 A. At one time I had a list, but I
22 haven't got it now.

23 Q. And, could you tell us the names
24 of the persons who were on the list?

25 A. I don't remember all of them.

26 Q. Well, give us the ones you do.

27 A. Petrochanko, and Giaccoloni and
28 Jumbo.

29 Q. Just a minute. Jumbo -- who is
30 Jumbo?



Q. Now, did you have any kind of people
when you were to show to come you got a tip-off
from someone in the office?
A. As far as I know, no, I
never got any tip-off.
Q. And, would you tell us the names
of the persons who were on the list?
A. I don't remember all of them.
Q. Well, give us the ones you do.
A. Well, I don't know, but I think I
just a minute. Just a minute. -- who is

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1 A. That's the one by the name of Joe?

2 Q. It seems to me -- Fortuna, isn't
3 that Jumbo?

4 A. Yes, that's Jumbo.

5 Q. Who else do you recall?

6 A. Well, there were other names, but
7 I can't recall them now.

8 Q. Well, this -- after you got the
9 instructions, how long was it before Lawrence
10 and Lamorie were suspended from the Force?

11 A. About four months, I guess, or
12 five months.

13 Q. About four months. So, during the
14 four months you had these instructions, did you
15 have any calls from Lawrence or Lamorie?

16 A. Not one.

17 Q. Not a one. And, during that time
18 was Petrochanko knocked off?

19 A. Yes, sir.

20 Q. What was the story there?

21 A. He phoned me up and bawled me out.

22 Q. Why did he phone you up and bawl
23 you out?

24 A. Because I didn't tip him off.

25 Q. And, what did you have to say?

26 A. I told him I didn't know anything.

27 Q. You didn't get the signal?

28 A. No.

29 Q. What were the arrangements about
30 the payment of his fine, that is, Petrochanko?



| | | |
|----|--|----|
| Q. | That's the one by the name of Jack? | 1 |
| A. | It seems to me -- I'm sure, Jack? | 2 |
| Q. | What about? | 3 |
| A. | That's right. | 4 |
| Q. | Who else do you recall? | 5 |
| A. | Well, there were about twenty. | 6 |
| Q. | I can't recall them now. | 7 |
| A. | Well, this -- after you got the | 8 |
| Q. | information, how long did it take to get | 9 |
| A. | and I'm sure you suggested from the time | 10 |
| Q. | that you started, I believe, in | 11 |
| A. | the morning. | 12 |
| Q. | What time would you say the | 13 |
| A. | first people started from Washington, and you | 14 |
| Q. | have any calls from someone or someone? | 15 |
| A. | Not one. | 16 |
| Q. | Not a one. And, during that time | 17 |
| Q. | the telephone company was | 18 |
| A. | not, sir. | 19 |
| Q. | Was the line busy? | 20 |
| A. | He phoned me up and wanted me out. | 21 |
| Q. | Why did he phone you up and how? | 22 |
| Q. | Why not? | 23 |
| A. | Because I didn't tip him off. | 24 |
| Q. | And, what did you have to say? | 25 |
| A. | I told him I was a doctor. | 26 |
| Q. | You didn't get the alarm? | 27 |
| A. | Yes. | 28 |
| Q. | What were the arrangements about | 29 |
| Q. | the payment of his time, that is, reimbursement? | 30 |



1 A. I don't know; I heard Lamorie
2 and Lawrence were going to pay it.

3 Q. Who told you that?

4 A. I think Sammy was talking about it.

5 Q. And, during this period when you
6 say the fix was in, did Balsom have any
7 arrangement with these people who were on this
8 list to pay him any money for the service that
9 was available?

10 A. He used to go around and pick the
11 money up, I don't know how much.

12 Q. You don't know how much?

13 A. No.

14 Q. Did you have anything to do with
15 that part of the operation?

16 A. No, he used to leave me in the car
17 all the time.

18 Q. He used to leave you in the car
19 all the time? Did you have anything -- Did you
20 overhear any of the discussion between any of
21 these people -- between Balsom and any of these
22 people?

23 A. Well, that is over two years now;
24 I wouldn't like to say it.

25 Q. And, did you have anything to do
26 with pay-offs to Lawrence or Lamorie?

27 A. Yes, sir.

28 THE COMMISSIONER: Q. Pardon? "Yes, sir"?

29 MR. WILSON: Yes.

30 Q. Tell us when that occurred?



Thank you very much

1. I think money was stolen from it.

arrangement with these people who are in this

LITERATURE REVIEW

1. The first part of the report is a general statement of the purpose of the study.

... ..

[illegible]



1 A. It was either in late March or
2 early April.

3 Q. Of '60?

4 A. Of '60.

5 Q. Tell us what the circumstances were?

6 A. I was at home eating with my wife
7 at suppertime; Sam phoned and said, "Are you going
8 out tonight?" I said, "No." He said, "I'll be
9 right over." He came over and he threw me over
10 an envelope with money; it was ripped. He said,
11 "Put it in a new envelope and seal it." And, he
12 said, "Lawrence or Lamorie will be over within an
13 hour, and they will tell you what to do with it."
14 So, I put it in another envelope and sealed it
15 with a piece of adhesive tape, and then about
16 eight o'clock I got another phone call, from
17 Lamorie, and he said, "There will be a 1958 green
18 Pontiac panel truck parked outside the Garden
19 City Cleaners..." -- which is just a block away
20 from my place.

21 Q. That is in St. Catharines?

22 A. That is in St. Catharines, on
23 St. Paul Street.

24 Q. Yes.

25 A. The righthand window would be open,
26 he said, so I could throw the envelope on the seat.

27 Q. Did he say where he would be?

28 A. No, he didn't say anything. I
29 saw him afterwards.
30



IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

April 1977

of 1977

1977

Tell us what the circumstances were?

I was in the room with the...

of something that was said and that...

my feeling? I said, "I said, 'I'll be...

right over." He came over and he turned on...

he was saying that he was going to...

"I'll be a new envelope and seal it." And, he...

said, "Lawrence or Lawrence will be over within an...

hour, and they will tell you what he is doing."

So, I put it in another envelope and sealed it...

with a piece of adhesive tape, and then about...

about 7:30 I got another call from...

Lawrence, and he said, "There will be a 1977 press...

release from the Justice Department...

that day, and he said, "I'll be in the room...

from the room.

That is in St. Catherine's?

That is in St. Catherine's, or...

St. Paul's?

St. Paul's?

St. Paul's?

he said, so I could then the envelope on the...

Did he say where he would be?

He, he said, he would be...

and his attorney.



1 Q. What did you do about those
2 instructions?

3 A. The wife said, "Did they really
4 say that?", and I said, "Yes", and she said, "I'm
5 going with you." And, she came with me.

6 Q. What denominations were the bills?

7 A. Fifties and twenties.

8 THE COMMISSIONER: Q. How much for?

9 A. \$500.00.

10 MR. WILSON: Q. And, accompanied by your
11 wife you went to what place?

12 A. Down to the Garden City ^{Dry} Cleaners

13 Q. Can you fix the day of the week
14 this was?

15 A. I think it was a Thursday; I'm not
16 sure.

17 Q. It was winter conditions?

18 A. It was winter conditions, because
19 I had to go over the bank to put the money in the
20 window.

21 Q. What did you find when you got to
22 this location?

23 A. I saw nobody there, but the---

24 Q. The '58 green Pontiac Panel truck
25 was there?

26 A. Yes, sir.

27 Q. Was the righthand window down as
28 you were informed it would be?

29 A. Yes, sir.

30 Q. You put the money through the



OFFICE OF THE ATTORNEY GENERAL

[illegible]

9. The following are the names of the persons who have been appointed to the various committees of the Board of Directors:

1957年1月1日 星期日

1945 Jan 9 continued morning 60° 64°

4413 4457

Don't let the money burn in the hole



1 window on to the front seat?

2 A. Yes, sir.

3 Q. Did you at that time see either
4 Lawrence or Lamorie?

5 A. Yes, sir.

6 Q. Where were they?

7 A. In the restaurant close to the
8 Garden City Cleaners.

9 Q. How far away was the restaurant
10 from the parked truck?

11 A. About 100 feet.

12 Q. About 100 feet. You say you could
13 see them in the restaurant?

14 A. We walked right past.

15 Q. How could you see them?

16 A. Right through the window.

17 Q. Where were they sitting in the
18 restaurant?

19 A. Like at the bar, there; they have
20 a bar and the stools; they were sitting there
21 having a cup of coffee.

22 Q. What did you and your wife do after
23 you put the money in the car?

24 A. We walked over the railroad bridge,
25 and walked back, and when we come back the truck
26 was gone.

27 Q. And, you say you saw Lamorie later,
28 or Lawrence later?

29 A. I don't know whether it was later --
30



[Faint bleed-through from the reverse side of the page]

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1. *Journal of the American Medical Association*, 1954; 157: 1000-1001.

and of those fragments and of

John Henry Newman 1811-1890

any of the following, and also the name of the person to whom the same shall be referred:

1 had and the alcohol they were sitting down

1997年6月20日 星期一 晴

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Special Agent in Charge JAMES EARL RAY, JR.



1 I saw them once at the Parkway Bowling Alley.

2 Q. They did go into there occasionally?

3 A. Oh, yes, yes.

4 Q. And, at that time did you frequent
5 that Parkway---

6 A. I used to have to meet Halsom there
7 all the time.

8 Q. Meet Halsom there all the time.
9 And, after that happened, did you have any further
10 knowledge of any further pay-offs to Laurence
11 and Lamorie?

12 A. No.

13 Q. No?

14 A. After that, Lamorie resigned. He
15 was after Halsom for money all the time.

16 Q. He was? How would you know that?

17 A. Sam told me. He was mad about it.

18 Q. He was mad about it? Did he tell
19 you what the outcome would be---

20 A. He said he was going to fix it
21 so he wouldn't bother him any more, and I never
22 heard any more about it.

23 Q. He said he was going to fix it
24 so he wouldn't bother him any more, and you never
25 heard any more about that.

26 And, when did you part company with Halsom?

27 A. November, 1960.

28 Q. You were convicted of bookkeeping in
29 October, 1960?

30 A. Yes, sir.



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Q. And your bail was fixed at \$500.00?

A. Yes, sir.

Q. Who put up the bail?

A. Sam Halson.

Q. In what way did he do that?

A. He came to my house and gave the money to my wife.

Q. In what size bills?

A. Twenty-dollar bills.

Q. All the five hundred?

A. Yes, sir.

Q. Now, at that particular time, at the time you were arrested, did Sam Halson owe you any money?

A. He owed me a week's wages.

(Page 7210 follows)



1 Q. A week's wages. Then did
2 he get you a lawyer?

3 A. Yes sir.

4 Q. Did he get you Mr. Keenan to
5 look after you?

6 A. I believe he got him.

7 Q. You didn't pay him?

8 A. I didn't get him, no.

9 Q. And what happened at the
10 trial?

11 A. I was convicted and fined.

12 Q. How much?

13 A. Three hundred and some odd
14 odd dollars -- the minimum fine.

15 Q. Where did the money come from?

16 A. Out of the bail money.

17 Q. Out of the bail money. What
18 happened to the rest of the money?

19 A. I had to give it back to
20 Mr. Balsom.

21 Q. You had to give it back to
22 Mr. Balsom. Now was it about the next month
23 you parted --

24 A. Parted company.

25 Q. What was the reason for the
26 parting?

27 A. We were arguing all the time.
28 He said he would fix me up if I ever took a
29 "rap" for him, and he didn't and I got after him
30



Q. A week's wages. Then did
we get you a letter?
A. Yes sir.
Q. Did he get you Mr. Hanson's
letter after that?
A. I believe he got him.
Q. Did that pay him?
A. I don't get him, no.
Q. And what happened to the
letter?
A. I was worried and I was
in a hurry.
Q. There hundred and some left
the letter -- was it then?
Q. Where did the money come from?
A. Out of the bill money.
Q. Out of the bill money. And
[unclear] to the bill money?
A. I had to give it back to
Mr. Hanson.
Q. You had to give it back to
Mr. Hanson. Now was it about the same month
you parted --
A. Hundred company.
Q. What was the reason for the
parting?
A. We were arguing all the time.
Q. He said he would take me up in I ever took a
"trip" for him, and he didn't and I got after him



1 for it and one day - we were arguing - and I
2 quit.

3 Q. What do you mean by "fixing
4 you up"?

5 A. I was supposed to get about
6 five hundred dollars for it.

7 Q. If you took the rap for him
8 you should have got five hundred dollars and
9 be "welched" on it?

10 A. I didn't get anything.

11 Q. After November 1960 have you
12 seen him from time to time?

13 A. Yes.

14 Q. I think you told us that you
15 go to the same church?

16 A. Yes sir.

17 Q. Now, after he was subpoenaed
18 in 19 -- April the 4th, 1962, did he speak to
19 you about the fact he had been subpoenaed?

20 A. I don't think it was --
21 was it in April?

22 Q. April, I think he was served -
23 yes.

24 A. Oh yes, he did.

25 Q. You were subpoenaed to appear
26 before this Commission June the 1st?

27 A. That's right.

28 Q. Now after you were subpoenaed
29 did you speak to Mr. Balcom?



The IV and the III - with nothing - and I

will

will be the same as I think

you will

I was supposed to get about

the hundred million for it.

It was not the way for

you should have got three hundred million and

re'lected" on it

I didn't get anything.

When I was in the hospital, they

sent me from the hospital

for

I think you join on that

on the same way

Yes sir,

They were in the hospital

to be - they were not, they were not

They were not in the hospital

I don't think it was

was it in spirit

Yes, I think it was

It was in the

You were supposed to get

because you were supposed to get

that right

Yes, you were supposed

and the speech to be. I think



T.J. McGreary

7212

A. I phoned him right away.

Q. Now what did you tell him as best you recall?

A. I told him I was subpoenaed and he asked me where I was and I said at the C.N.R. Railroad and he said I'll be right down.

Q. And he was?

A. He was there in two minutes.

Q. He was there in two minutes.

What did he tell you when he came?

A. Not to say anything. He said "Don't say nothing".

Q. Did this discussion take place in the station?

A. No, in his car.

Q. You drove away from the station?

A. Yes - went away out.

Q. The substance of the conversation was just that he told you not to say anything. Now what else did he tell you if anything, on that occasion?

A. He said, "Seven of us are going to deny everything", and he said, "That will be the end of Scott".

Q. Who were the seven who were going to deny everything?

A. Lamerie, Lawrence, Wright, Feeley, McDermott, Balson and me.



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A. I showed him right away.

Q. How much did you tell him

to look for himself?

A. I told him I was surprised

that he was so sure I was not I told him

I was not and he said I'll be right down.

Q. And he went

A. He was there in two minutes.

Q. He was there in two minutes.

That all in fact you saw him

A. Yes, I saw him.

Q. Did you see him?

A. Yes, I saw him.

in the station?

A. Yes, in his car.

Q. How many times did you

station?

A. Yes - went away.

Q. The number of the car?

A. Yes, that is what I saw.

Q. How much did he tell you it was?

Q. Yes.

A. He said, "I saw it in my car."

Q. "I saw everything," and he said, "I will be

the end of the road."

Q. Who were the men who were

going to get everything?

A. I saw them, I saw them.

Q. Yes, I saw them, I saw them.



1
2 Q. And he said if the seven of
3 you denied everything that would be the end of
4 Scott. Who was the "Scott" he was talking about?

5 A. I believe its the one in the
6 O.P.P.

7 Q. You had had no dealings with
8 him?

9 A. No sir, Not at all.

10 Q. How was that about all there
11 was the first meeting you had with him?

12 A. Yes, but he kept after me,
13 "Don't forget, I have been hearing you are going
14 to tell the truth", and I said, "Yep", and he
15 said, "Deny it. Deny it." And finally I said,
16 "Okay, okay". I agreed with him but he still
17 kept after me, "deny everything".

18 Q. And this would be on what
19 day, or shortly after you were served, June the 1st?

20 A. Every day since.

21 Q. You say about every day since?

22 A. Everyday since.

23 Q. Have you had any other people
24 call you about the fact that you were going to be
25 a witness?

26 A. I don't know whether it was
27 about that, but I had someone phone and say,
28 "Someone in St.Catharines is going to talk too
29 much, and if it is you you want to look out for
30 your wife and children".



Q. And he said it was never at
the house because that would be the end of
him. And he said "I don't know" for the last time.
A. I believe the last time he was
Q. You had had no dealings with
him?
A. He said, "No, no sir."
Q. And you said that all the time
and the first meeting you had with him
A. Yes, and he said after that
"I don't know" I don't know what he was
to tell the truth," and I said, "I don't know," and he
said, "I don't know," and I said, "I don't know," and I said,
"I don't know." I agreed with him but he still
kept saying "I don't know."
Q. And when would be the time
that he would be the first time you met him? And the last
time, the last time you met him?
A. I don't know.
Q. And the last time you met him?
A. I don't know.
Q. And you had any other people
only you about the time you were asked to be
Q. I don't know whether it was
about that, but I had someone named and say.
"Someone in the Corporation is going to talk to
me," and it is as you want to look out for
your life and money.



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Q. Do you know who that was?

A. No idea.

Q. You say you have heard from
Balsam every day from the 1st of June?

A. Just about every day.

Q. What are we up to now?
Today is the 12th. How have you had any discussions
about this Commission, and what evidence you
may give in any particular places - your
home, church or - -

A. He has been at the home,
my church, and in his car, at the golf course.
I was told just to read the papers. He said,
"You will see Lamerie and Lawrence have denied
everything. I'm denying everything and you
follow suit".

Q. And that was where?

A. That was the gist of all
conversations I had with him - "deny everything".

Q. And these discussions you
had with him at the church; would they be the
last two Sundays?

A. Yes sir.

Q. And has he been to your
house?

A. Yes sir. The first time ever
since we moved where we are now - 40 Hamilton(?)

Q. The first time he has been
there since that happened?





1 A. Yes.

2 Q. Can you recall what dates
3 he was at your house?

4 A. Saturday morning.

5 Q. You mean last Saturday?

6 A. Last Saturday - yesterday -

7 MR. MACKINNON: Yesterday?

8 A. Yes.

9 MR. MACKINNON: That's Monday.

10 MR. WILSON: Well, that was at the
11 house last Saturday and yesterday, which would
12 be Monday?

13 A. Yes.

14 Q. That would be the 11th -- 9th
15 and 11th?

16 A. And he was there - there was
17 another time but I'm trying to recall it.
18 Sunday I met him at the church. It was either
19 last Thursday or Friday he was up there.

20 Q. What time was he at your
21 house on the Saturday?

22 A. It was in the morning, around
23 nine until o'clock.

24 Q. And did you expect him at
25 that time?

26 A. No sir, I didn't.

27 Q. He didn't tell you he was
28 coming?

29 A. Never phoned me or nothing.
30



1994年12月22日



•

Below online, yesterday and yesterday and again

1944 1945 1946 1947 1948 1949

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...the new 21, ...



1 Q. What did he want you to do
2 on that occasion?

3 A. Just going over the whole
4 thing again. The same conversation - "Deny
5 everything."

6 Q. Did you know he was coming
7 to your house yesterday?

8 A. Yes. He phoned first.

9 Q. What time did he come to
10 your house yesterday?

11 A. About nine o'clock.

12 THE COMMISSIONER: In the morning?

13 A. In the morning, sir.

14 MR. WILSON: Q. Now then, on the
15 Sundays at church where did the discussions take
16 place, you said last Sunday and a week ago?

17 A. The Franklin Hotel on the
18 corner of St. Paul Crescent and Pelham Road.

19 Q. And would this be after
20 church?

21 A. After church.

22 Q. On both occasions?

23 A. Yes.

24 Q. And then did you meet him on
25 the golf course?

26 A. Yes sir.

27 Q. And how did that meeting
28 come about?

29 A. Well, I was phoned at home
30



1990-1991

[illegible]



1 that a chap wanted to see me and I asked him
2 who he was and he wouldn't say. He said,
3 "You walk to the window and I'll be right down
4 on the sidewalk", and I looked out the window
5 and he waved and I said I would go down, but
6 all he said, "Don't contact Mr. Balsom or
7 'the ball'"

8 Q. The ball?

9 A. The ball - that's it.

10 Q. Is that a nickname for Balsom?

11 A. A nickname. He said if
12 he wants you he will know where to get you.

13 Q. Did you recognize this man?

14 A. I didn't see him before in my
15 life. So I went out to the golf course and
16 asked him about it and he said he didn't -- he
17 said he had nothing to do about it.
18 "I don't know what you are talking about".

19 Q. Did you have any further
20 discussion with him on the golf course?

21 A. He told me - he said "I think
22 you are being followed" and he pointed to a chap
23 I didn't know and he said, "We better not talk
24 here. You be careful". So I took off from the
25 golf course.

26 Q. Did you know who this person
27 was that he said was following you?

28 A. Now I am in the middle.

29 Q. Oh, perhaps you can take
30





1 guidance from the Commissioner.

2 THE COMMISSIONER: Well, you know now
3 who it was?

4 A. I know now who it was.

5 MR. WILSON: Q. Who was it?

6 A. He is a special detective,
7 I hear.

8 Q. Now at some of these meetings
9 you have described the police had prior knowledge
10 of the fact that you were going to meet with
11 Balsam?

12 A. Yes sir.

13 Q. And by reason of that fact
14 they provided you with certain devices which
15 would take down conversations which took place
16 between Balsam and yourself?

17 A. That's right.

18 Q. Can you tell us exactly
19 what the nature of this equipment was?

20 A. A microphone was here on my
21 T-shirt and there was a battery and I don't
22 know what it was on here (indicating) and wires
23 down my legs and wires around my back, but I am
24 not an expert and I don't know what it was.

25 Q. So you - all you know; you
26 were wearing it?

27 A. I was wearing it.

28 MR. MacKINNON: Wired for sound.

29 MR. WILSON: You were really wired
30



THE UNIVERSITY OF CHICAGO

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... ..

and more detailed and further into the future.



1 for sound?

2 A. Yes sir.

3 Q. Now tell us on which of the
4 occasions when you met with Balsom you had this
5 equipment on?

6 A. Every time I met him.

7 Q. Every time you met him. And
8 was he at any of these meetings suspicious of the
9 fact you maybe wired for sound?

10 A. Yes sir.

11 Q. On which of the occasions?

12 A. Sunday morning - the last
13 time, he ran his hands here and then up here
14 and down my legs, but there was nothing there.
15 It was on this side. (indicating).

16 Q. He got the wrong side?

17 A. Yes, and I went home - and
18 my house was all wired up.

19 Q. At home, your house was all
20 wired?

21 A. And he picked up the mike and
22 locked in the basket and threw it down.

23 THE COMMISSIONER: He didn't recognize
24 the mike?

25 A. No. It was in a towel and
26 he picked up the towel and looked like that,
27 and he came back to me and he said, "You look
28 nervous" and I said, "I am", and I was.

29 MR. WILSON: Mr. Commissioner, we will
30



Q. Now, you say that you were not present at the time of the shooting?

A. Yes, sir.

Q. And you were not present at the time of the shooting?

A. Yes, sir. I was not present at the time of the shooting.

Q. Now, you say that you were not present at the time of the shooting?

A. Yes, sir.

Q. And you were not present at the time of the shooting?

A. Yes, sir. I was not present at the time of the shooting.

Q. Now, you say that you were not present at the time of the shooting?

A. Yes, sir.

Q. And you were not present at the time of the shooting?

A. Yes, sir.

Q. Now, you say that you were not present at the time of the shooting?

A. Yes, sir. I was not present at the time of the shooting.

Q. Now, you say that you were not present at the time of the shooting?

A. Yes, sir.

Q. And you were not present at the time of the shooting?

A. Yes, sir. I was not present at the time of the shooting.

Q. Now, you say that you were not present at the time of the shooting?

A. Yes, sir.

Q. And you were not present at the time of the shooting?

A. Yes, sir. I was not present at the time of the shooting.

Q. Now, you say that you were not present at the time of the shooting?

A. Yes, sir.

Q. And you were not present at the time of the shooting?

A. Yes, sir. I was not present at the time of the shooting.

Q. Now, you say that you were not present at the time of the shooting?

A. Yes, sir. I was not present at the time of the shooting.

Q. And you were not present at the time of the shooting?



1 have these records available in a minute or
2 two. I think that is all I want from the
3 witness at the moment, unless there is something
4 else - I think we might take a short adjournment.

5 THE COMMISSIONER: Yes, and I
6 suggest to counsel that they postpone their
7 cross-examination until we get these.

8 MR. MacKINNON: Anyway, he is not
9 through with him.

10 MR. WILSON: Oh I y/ think I will be,
11 but I wanted to check my notes. I thought we
12 might have a slight adjournment and I would
13 prefer to put in the tapes -

14 MR. MacKINNON: You will have the tapes
15 by then?

16 MR. WILSON: Certainly.

17
18 ---Short recess.

19
20
21
22
23
24
25
26 (Page 7220 follows)
27
28
29
30



have those persons available in a minute or

two. I think that in all I want from the

attorney at the moment, which would be to

also - I think we might take a short adjournment.

THE CHAIRMAN: Yes, and I

propose to adjourn until two o'clock.

Very respectfully, I am, Sir,

Yours faithfully,

W. H. H. H.

MR. WILSON: He is a man of all sorts.

and I want to speak up now. I thought he

was a very clever fellow, but I want

to put in the case -

MR. WILSON: He is a man of all sorts.

He is a

MR. WILSON: He is a man of all sorts.

He is a

(Page 100)



BB/1/FL

1 ---On resuming after recess.

2 MR. WILSON: I will call Mr. Keenan.

3 THE COMMISSIONER: Mr. Wilson, supposing
4 Mr. McGroarty is made comfortable in my
5 office.

6 MR. WILSON: Yes.

7
8
9
10
11 FRANK KEENAN, sworn

12 EXAMINATION BY MR. WILSON:

13
14 Q. Mr. Keenan, you are a solicitor
15 practising in the City of St. Catharines?

16 A. Yes, sir.

17 Q. In October of 1960 did you appear
18 on behalf of Thomas McGroarty in connection
19 with a charge of his in connection with keeping
20 a common gaming house?

21 A. Yes, I did.

22 Q. On whose instructions did you
23 appear?

24 A. I believe Mr. McGroarty called
25 me first himself. He seemed to think I knew
26 him. He said, "This is Mickey". But I
27 knew that it was actually that Sammy Balsom
28 was retaining me for him or had told him to
29 get in touch with me.

30 Q. Sammy Balsom told you to look



WV-12

Mr. Wilson: I will call Mr. Wilson.

Office.

Mr. Wilson: Yes.

END CASE.

RECORDED BY MR. WILSON

Q. Mr. Wilson, you are a witness.

Provisional on the day of investigation.

A. Yes, sir.

Q. In January of 1935 did you appear

at the office of James H. Wilson in connection

with a charge of his in connection with having

a common law marriage?

A. Yes, I did.

Q. On whose instructions did you

appear?

A. I believe Mr. Wilson called

me that himself. He seemed to think I knew

him. He said, "What is Henry?"

When that is was actually that Henry Nelson

was contacting me for him or had told him to

get in touch with me.

Q. Henry Nelson told you to look



1 after the matter?

2 A. Yes.

3 Q. You appeared at the hearing and
4 pleaded guilty on behalf of Mr. McGroarty?

5 A. Yes.

6 Q. Who paid your fees for your
7 services in connection with that matter?

8 A. I believe Mr. Balson.

9 MR. WILSON: I do not believe there
10 is anything else, Mr. Commissioner, I wish to
11 ask this witness.

12 THE COMMISSIONER: Q. That is all,
13 thank you.

14 MR. MacKINNON: May I, Mr. Commissioner?

15
16
17
18 EXAMINATION BY MR. MacKINNON:

19 Q. Did you appear for Mr. Petrashenko?

20 A. Yes, I did.

21 Q. This is in the spring of 1960?

22 A. Yes.

23 Q. Who paid your fees on that
24 occasion?

25 A. I am sorry to be so hazy about
26 that but, again, I knew I was really acting
27 on behalf of Sammy, but which one of them
28 actually paid me, I couldn't say. I think
29 it was Balson.
30



After the hearing

A. Yes.

Q. Did you see the person who

gave you the letter on behalf of Mr. McHenry?

A. Yes.

Q. How long have you known

him? Is he connected with this case?

A. I believe Mr. Wilson.

Q. Wilson? I do not believe there

is anything else, Mr. Commissioner, I wish to

ask you a question.

Q. Yes, Mr. Wilson.

Q. Yes.

Q. Did you see the person who

EXHIBIT TO THE HEARING

Q. Did you see the person who

gave you the letter?

A. Yes, he is the person who

gave me the letter.

Q. Did you see him on the

day when he was with you?

A. Yes, I saw him on the day

when he was with you, but I did not

see him on the day when he was

with you.



1 Q. It was Balson, in any event,
2 who retained you to appear for Petrashenko?

3 A. Yes.

4 Q. Petrashenko was one of his boys,
5 the same as McGroarty?

6 A. That was my understanding.

7 Q. Have there been any other occasions
8 on which, on Mr. Balson's instructions, you
9 have appeared for any other individual who
10 has been accused of a gaming offence, apart
11 from Petra shenko and McGroarty?

12 A. I want to give this a moment's
13 recollection because I am --

14 Q. Yes.

15 A. Well, I don't really think so
16 but I must -- I am sure you must think me
17 either more astute or more naive, but, actually,
18 I didn't know just what the arrangement was
19 between any of these people. I have appeared
20 for several bookmakers in St. Catharines but
21 almost invariably on a guilty plea and at
22 the moment my recollection would be that
23 Petrashenko and McGroarty were the two that
24 I specifically knew I was retained either
25 directly or indirectly by Balson.

26 Q. Who paid Petrashenko's fine?

27 A. Well, as far as I knew Petrashenko
28 had paid it himself. This evidence is entirely
29 novel to me.

30 Q. Did you play any part in the securing



Q. It was before, in any case.

A. Yes.

Q. Yes.

A. Yes.

Q. Yes.

A. Yes.

Q. Yes.

A. Yes.

Q. Yes.

A. Yes.

Q. Yes.

A. Yes.

Q. Yes.

A. Yes.

Q. Yes.

A. Yes.

Q. Yes.

A. Yes.

Q. Yes.

A. Yes.

Q. Yes.

A. Yes.

Q. Yes.

A. Yes.

Q. Yes.

A. Yes.

Q. Yes.

A. Yes.

Q. Yes.

A. Yes.



1 of a transfer of the charter of the Parkdale
2 Recreation Club?

3 A. No, sir.

4 Q. You did not have any part in
5 that as a solicitor?

6 A. No.

7 Q. Do you know a Mr. Tobe in
8 St. Catharines?

9 A. Just as a speaking acquaintance.

10 Q. You have never acted for him
11 or for him on Mr. Balson's instructions to
12 your recollection?

13 A. No, I know of no association
14 between them.

15 Q. That is all, thank you.

16 MR. WILSON: Q. That is all, thank you.

17 A. Thank you.

18 THE COMMISSIONER: Does anyone else
19 want to ask any questions?

20
21
22
23 EXAMINATION BY MR. SHINE:

24
25 Q. How did you know somebody was
26 going to pay for McGroarty when he called you?
27 Had Sammy called you previously?

28 A. As I say, my initial reaction
29 to it is that McGroarty called me first and
30 the reason I know that is that he said, "This



It is possible that the person of the person is

the person of the person

Q. Now, who?

A. The one who was with you in

the person of the person

Q. Now, who?

A. The one who was with you in

the person of the person

A. The one who was with you in

the person of the person

on the part of the person of the person

the person of the person

A. No, I know of no person

the person of the person

Q. Now to all, thank you.

A. Yes, thank you, and to all, thank you.

A. Yes, thank you.

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the person of the person

the person of the person

Q. Now did you know the person?

A. Yes.

the person of the person

the person of the person

A. As I say, the person of the person

it is the person of the person

the person of the person



1 is Mickey", and he seemed to think I was
2 known to him. I assume I am better known to
3 them from appearing in Magistrate's Court than
4 they are to me. I actually didn't know him
5 when he walked into the office, he had to
6 identify himself when he walked into the office.
7 Balsom; there was no question in my mind that
8 he was working for Balsom. He told me that,
9 I think. Initially he retained me.

10 THE COMMISSIONER: Q. Who, Balsom?

11 A. No, I believe it was McGroarty,
12 but on the clear understanding he was working
13 for Balsom and that I would be paid by Balsom,
14 I assume.

15 MR. SHINE: Q. You would take his word
16 that Balsom would pay you?

17 A. Yes.

18 Q. And you were willing to expect
19 that Balsom would pay you?

20 A. Yes.

21 Q. Thank you.

22 THE COMMISSIONER: Q. That is all,
23 thank you.

24 ---The witness withdraws.
25

26
27
28 MR. WILSON: Now, Mr. Commissioner, I
29 am about to read a transcript of certain
30



to history," and he seemed to think I was

known to him. I seemed I am better known to

than from appearing in literature's pages and

but not in my own country's history books.

when he walked into the office, he had to

himself looking at me in a way that was

different from the way he looked at me when we

he was working for Nelson. He said to me,

I know. I know you are a man of

the world. I know you are a man of

A. No, I believe it was necessary,

but in the same way, I am not

for Nelson and that I would be paid by Nelson.

I know.

He said to me, I know you are a man of

and I know you are a man of

A. Yes.

He said to me, I know you are a man of

and I know you are a man of

A. Yes.

A. Yes.

He said to me, I know you are a man of

He said to me, I know you are a man of

He said to me, I know you are a man of

He said to me, I know you are a man of

He said to me, I know you are a man of

He said to me, I know you are a man of

He said to me, I know you are a man of

He said to me, I know you are a man of

He said to me, I know you are a man of

He said to me, I know you are a man of



1 conversations that took place between Samuel
2 Balson and Thomas McGroarty on certain dates,
3 starting on Friday, June the 1st, 'and running
4 through to yesterday. They were taken in
5 the manner described by Mr. McGroarty in his
6 evidence. The ones that were taken in other
7 than the house, he had the equipment attached
8 to his body. Of course, there was other
9 equipment in the McGroarty house at the time
10 of the visits by Balson to that house on
11 Saturday and yesterday.

12 The proof of this transcript. I will
13 produce a witness to prove them. I read
14 them subject to that proof, and I will ask
15 that the witnesses who will prove them remain
16 anonymous. For that reason I will ask that
17 their evidence be taken in camera, for reasons
18 which are quite obvious.

19 THE COMMISSIONER: All right.

20 MR. WILSON: Now, the first is a
21 transcript of a tape recorded on Friday, June
22 the 1st by certain members of Police Force
23 at about 6:37 p.m. on that day. It refers --
24 I think I am having opposition. I think
25 I hear --

26 THE COMMISSIONER: Yes, I hear it, too.

27 MR. WILSON: I will have it attended
28 to. These are hot off the wire, as it were.

29 The June 1st recording, you will
30 recall, was dealt with by McGroarty in his



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1 evidence, where he met Balson at the station.
2 It reads as follows:

3 "MICKEY: Hello, Sam.

4 "BALSON: Where are you?

5 "MICKEY: At the C.N.R. station.

6 "I wouldn't phone from home any
7 more.

8 "BALSON: What are you worrying
9 about? It ain't the end of the
10 world.

11 "MICKEY: It is what he said, you
12 know, something about this Scott.

13 "BALSON: I will be up. I will
14 be there. Good-bye."

15 Then, in the car, and this equipment --

16 THE COMMISSIONER: When he arrived in
17 the car?

18 MR. WILSON: When he arrived in the
19 car. And this was picked up when the two
20 of them were together in the car on that date.

21 "MICKEY: They know about Lamorie
22 and Lawrence.

23 "BALSON: So what?

24 "MICKEY: Nine dollars.

25 "BALSON: They don't know nothing.

26 "MICKEY: Do you think it is wise
27 for me to go in the car?

28 "BALSON: Why not?

29 "MICKEY: I am known, you know. I
30 could be seen with you, you know.



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"Nine . . ." -

Then, there is a word I won't read -

". . . dollars. They said they

"would call me. They know about

"Lamorie and Lawrence.

"BALSON: They don't know nothing.

"What are you worrying about?

"I am sick too. I say 'Go' but

"you got to renege. They have

"denied it already so deny it.

"Just say, 'I don't know what you

"are talking about'. 'I can't

"help you at all.'

"MICKEY: They said I have given

"them money. I will say he is

"crazy. I don't even want to go

"near him.

"BALSON: What the hell; what of it?

"You don't have to lie about it.

"Don't know what he is talking about.

"The green truck. Say what are

"you doing?

"MICKEY: Nothing. Lamorie and Lawrence.

"Now listen . . .

"BALSON: . . . Lawrence - that is

"about all I can tell you. Tell

"them that you don't know anything.

"If they had anything we would have

"been booked. Hey, take it easy.

"MICKEY: I will walk one way you go

[illegible]



1 "the other.

2 "DALSON: Good-bye."

3 On that occasion the two men separated
4 at Chelwood and Lloyd Streets in St. Catharines.

5 The next meeting is at the golf course:

6 "MICKEY: Is someone following me?

7 "I got a ride from Jerry's poolroom.

8 "DALSON: Don't ask me.

9 "MICKEY: You sent somebody down to

10 "see me this morning, Sam.

11 "DALSON: What are you doing out here?

12 "There is a guy there following you.
13 Holy

14 "MICKEY: ~~Mally~~ Christ . . . He

15 "has done that on purpose.

16 "DALSON: What is the matter with

17 "you?

18 "MICKEY: Look over that hill. How

19 "can I hit the highway over this way?

20 "DALSON: What are you scared of?

21 "MICKEY: Yeah. I'll get home."

22 This is further recording at the golf
23 course:

24 "MICKEY: . . . "

25 and apparently spoken to the person who is
26 said to have been following -

27 "Pardon me, are you following me?

28 "VOICE: Who? Me?

29 "MICKEY: Yes.

30 "VOICE: I don't even know you.

"MICKEY: That's what I mean.





1 "VOICE: I am waiting for my buddy

2 "at the end of the course.

3 "BALSON: There is somebody down there,

4 "look, over at the highway. Who the

5 "hell is this guy up at the point?

6 "MICKEY: Where?

7 "BALSON: What does he look like?"

8 And the rest of that was inaudible.

9 MR. MACKINNON: What is the date of that?

10 MR. WILSON: It is not dated. We will
11 have to fill in the particulars of this.

12 Then, this is based on the recording
13 of a phone call: [unclear]

14 "VOICE: Hello.

15 "MICKEY: Do you ever stay at home?

16 "BALSON: Hi, you. Wait a minute.

17 "Did you call up the golf . . .

18 ". . . a minute ago"

19 The next phone call: [unclear]

20 "BALSON: Hello.

21 "MICKEY: Do you ever stay home?

22 "BALSON: Hi, you.

23 "MICKEY: You just try.

24 "BALSON: What is the matter? Did

25 "you call up the golf . . . ?

26 "MICKEY: Yes.

27 "BALSON: What is the matter with you?

28 "Are you worried all the time?

29 "MICKEY: You phoned home this morning

30 "and Bracy said you wanted to see me



... I am waiting for my party

"Sally: There is something about you."

"I am, what is it, Sally?"

"Well, it's that you are so kind."

"Sally: What does it mean to you?"

And the rest of time was talking.

Mr. Thompson: What is the name of this?

Mr. Thompson: Is it the same, or will

have to fill in the questionnaire of this.

Then, this is based on the recording

of a phone call.

... ..

"Sally: Is you ever stay at home?"

"Sally: No, I am not. I am a student."

"And you call up my wife?"

"... .. a minute ago."

He was looking at her.

... ..

"Sally: Do you ever stay home?"

"Sally: No, I am not."

"Sally: How long ago?"

"Sally: Just a few minutes ago."

"You call me the day?"

"... .."

"Sally: What is the name of this?"

"Do you want to fill this out?"

"Sally: The name of this is the same."

... ..



1 "and Baz came up and said he

2 "just went past but he didn't

3 "come in and I wondered what

4 "the hell is that? I just

5 "wondered.

6 "BALSON: Somebody said that

7 "you are worried. What the heck.

8 "You saw the you

9 "know what to say.

10 "BALSON: You read the papers.

11 "MICKEY: I read the

12 "How about this Jolley for perjury?

13 "BALSON: Oh, keep quiet about that.

14 "Don't talk.

15 "MICKEY: Oh.

16 "BALSON: Oh, what? The only thing

17 "is if you say anything you're on

18 "your own. You know what I mean.

19 "MICKEY: Yes. Ah - you know . . .

20 "I haven't even been told I have to

21 "go up yet. So . . . Maybe

22 "they will even forget about me.

23 "I am keeping my fingers crossed.

24 "BALSON: We will get up there but

25 "I would like to talk to you anyway

26 "on the weekend.

27 "MICKEY: Okay. Bye.

28 "BALSON: Don't call the golf course.

29 "MICKEY: I wanted to see that you --

30 "you phoned home here and I saw Baz

[illegible]



1 "and he said that you wanted to

2 "see me.

3 "BALSON: While you were sick.

4 "That is why I wanted to see you.

5 "MICKEY: Oh. And then when he . . .

6 ". . . he came up there and I was

7 "sitting there and he said, 'Sam

8 "walked past but he didn't come in'

9 "and I started to worry about it and

10 "I said 'what the hell'.

11 "BALSON: Well she said you were sick,

12 "that is all, and that is what I

13 "was worrying about."

14
15
16
17
18
19 (Page 7235 follows)



"And he said that you were not."

"Yes, sir."

"But you were not there."

"I was not there, but I was not there."

"And then when he . . ."

"I was not there, but I was not there."

"But you were not there."

"I was not there, but I was not there."

"But I was not there, but I was not there."

"I was not there, but I was not there."

"But you were not there."

"I was not there, but I was not there."

"But you were not there."

(The end of the world)



1 MR WILSON: (reading)

2 "MICKY: I am having an insulin

3 "reaction. My nerves are shot.

4 "If you had diabetes you would be

5 "like me.

6 "BALSON: What are you going to

7 "do? You have nothing to worry

8 "about. What the hell are you going

9 "to do, Mickey? These are things

10 "you've got to put up with. You have

11 "nothing to worry about. You didn't

12 "pay nothing.

13 "MICKY: That's true.

14 "BALSON: I mean all you've got

15 "to do is just tell the truth. You

16 "didn't give them nothing. What

17 "the hell is the matter? If you

18 "give them anything you give it to

19 "them yourself. You just got to

20 "tell the truth. You know what

21 "the truth is. What the hell is the

22 "matter with you? What reason would

23 "you have to give? You didn't give

24 "them nothing, so stop worrying about

25 "it. So . . . on it. Stop worrying

26 "about it. They didn't get anything.

27 "You didn't give nothing.

28 "MICKY: Yes, but the whole thing,

29 "what I am worried about is ---

30 "BALSON: Ah.

[illegible]



1 "NICKY: No but how did they find out
2 "about it? That's it.

3 "BALSON: How did they find out?

4 "Because you don't listen. They

5 "didn't find out nothing. You

6 "didn't give nothing so what did

7 "they find out? See? So I'll see

8 "you at the weekend?

9 "NICKY: Well, we will make an

10 "appointment and you see me sometime.

11 "You'll phone here, eh?

12 "BALSON: Yes, okay.

13 "NICKY: Okay.

14 "BALSON: Don't worry.

15 "NICKY: All right.

16 "BALSON: Bye, bye.

17
18 "(That last was on June 7th at 10.30 P.M. On
19 "Sunday, June 10th, at 8.55 A.M.)

20 "NICKY: Oh Christ.

21 "BALSON: You're looking fine.

22 "NICKY: Last Sunday you made

23 "me feel like hell, for Christ's

24 "sake.

25 "BALSON: Now, listen, is there

26 "anything you want to know about?

27 "NICKY: Now, Sam, here is the

28 "only thing . . . I don't think

29 "my wife's very good but she says,

30 "'Nickey, if you dany you work

"for Samy, maybe they could get

[illegible]



1 "fifty people to prove that you did.

2 "BALSON: No, they can't. You say

3 "you didn't work for me. You say

4 "that you are on your own and you

5 "give me some of your business. Don't

6 "you understand?

7 "MICKEY: Yes, but she mentioned

8 "something that I didn't even realize.

9 "She said: 'Colleen and Roscoe know

10 "you work for Sam.'

11 "BALSON: They can't prove it.

12 "MICKEY: No, but ---

13 "BALSON: They don't. Where are

14 "they going to find out?

15 "MICKEY: Yes, that's it.

16 "BALSON: That's too bad. Who

17 "can prove it? Let them prove it.

18 "MICKEY: Wait a minute. I never even

19 "thought about it. You were paying

20 "him money every month.

21 "BALSON: Who?

22 "MICKEY: Baz, is for the . . .

23 "BALSON: That doesn't matter. I want

24 "him to . . . Don't you understand?

25 "MICKEY: Yes but that is what has

26 "me worried. I go up there and they

27 "say 'Did you ever work for Sam

28 "Balson?' and I say 'No' -- oh, oh,

29 "they would bring in the witnesses.



The first of these is the fact that the
 system is not a simple one. It is a
 complex one, and it is not possible to
 understand it without a knowledge of
 the principles of the system. The second
 fact is that the system is not a
 simple one. It is a complex one, and
 it is not possible to understand it
 without a knowledge of the principles
 of the system. The third fact is that
 the system is not a simple one. It is
 a complex one, and it is not possible
 to understand it without a knowledge
 of the principles of the system.



1 "BALSON: Yeah, but . . . well ---

2 "(And at that point they went into the church.

3 "And on coming out of the church it goes on:"

4 "MICKY: Sam, gee, am I ever tired.

5 "Did you play golf yesterday?

6 "BALSON: Yes, for a little bit and

7 "then I went bowling.

8 "MICKY: Oh Christ.

9 "BALSON: A-- (At this point Balson

10 "went and got Micky a chocolate bar).

11 "BALSON: That is all you needed,

12 "isn't it?

13 "MICKY: That is all I need, a choco-

14 "late bar.

15 "BALSON: To get more sugar in there,

16 "eh?

17 "MICKY: I want to get home and

18 "get out of these hot clothes.

19 "BALSON: Well, you see, I figure that

20 "if you say you work for me, that will

21 "be more questions you got to answer.

22 "MICKY: Yes.

23 "BALSON: Don't you understand? So

24 "all you got to do is say 'Well, I

25 "didn't work for him but I . . .'

26 "You know what I mean . . . I've, uh,

27 ". . . taken bets for him and, uh,

28 "called them in to him.

29 "MICKY: Yes.

30 "BALSON: '. . . he gave me a percentage





1 "and that's it'. You know what I
2 mean.

3 "MICKY: What happens?

4 "BALSON: What happens where?

5 "MICKY: If they bring up them
6 other two?

7 "BALSON: They have been up already.

8 "MICKY: Oh.

9 "BALSON: What is the matter? You're
10 still sleeping, aren't you? You're
11 in rough shape.

12 "MICKY: Ha, ha, sure.

13 "BALSON: Well, listen, how about
14 meeting us Wednesday morning, Tuesday
15 morning?

16 MICKY: Tuesday morning where?

17 "BALSON: Oh, I'll meet you right out
18 in the street here.

19 "MICKY: Okay.

20 "BALSON: Say about ten o'clock.

21 "MICKY: Ten o'clock.

22 "BALSON: Nine-thirty or ten o'clock.

23 "Ten o'clock you be out in front of
24 the laundromat.

25 "MICKY: Okay.

26 "BALSON: Or else I'll slide to work
27 or see you somehow.

28 "MICKY: Yes. Better not use the
29 phone.

30 "BALSON: Oh no, don't use the



THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

RESEARCH REPORT

NO. 100

1950

BY

DR. J. H. HARRIS

AND

DR. R. M. HARRIS

CHICAGO, ILL.

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CHICAGO, ILL.

1950



1 "phone. Don't talk about nothing

2 "but . . . you can't make sense

3 "right now, eh?

4 "MICKY: Eh, pretty hard.

5 "DALSON: Yes. All right, you go

6 "and I'll get in touch with you

7 "after but don't - don't worry about

8 "it. You haven't got that much to

9 "worry about. Listen. For them

10 "to prove that you give money, give them

11 "guys money, give them guys money,

12 "that, eh, let . . . to it, it's impossible

13 "if you say no, they've said no.

14 "MICKY: Yeah.

15 "DALSON: I'll say no, so what

16 "the hell. It's impossible for them

17 "to prove it. They have got to have

18 "the money.

19 "MICKY: Yes.

20 "DALSON: It is not as bad as you

21 "think it is, you know. Go home,

22 "go to bed. Don't worry about it.

23 "MICKY: Okay.

24 "DALSON: Yeah, and I'll be in

25 "touch with you.

26 "MICKY: Right.

27 "DALSON: Bye, bye".

28
29 Mr Commissioner, yesterday's tape is not
30 quite completed, the transcription of yesterday's
tape, so that I think possibly it might be



"I am not a doctor, but I am a man."

"I am not a doctor, but I am a man."

"I am not a doctor, but I am a man."

"I am not a doctor, but I am a man."

"I am not a doctor, but I am a man."

"I am not a doctor, but I am a man."

"I am not a doctor, but I am a man."

"I am not a doctor, but I am a man."

"I am not a doctor, but I am a man."

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"I am not a doctor, but I am a man."

"I am not a doctor, but I am a man."

"I am not a doctor, but I am a man."



1 convenient to adjourn until the morning.

2 THE COMMISSIONER: Very well. Tomorrow
3 morning at ten o'clock.

4 ---The witness, S. Balson resumes the box.

5 THE COMMISSIONER: Witness, you will
6 be here tomorrow morning at ten o'clock. You
7 understand that?

8 A. Yes.

9 Q. You are not to discuss this matter
10 with anybody in the meantime. Do you understand
11 that?

12 A. Now about phone calls to my
13 wife?

14 Q. You may talk to your wife, if you
15 want to.

16 A. Yes.

17 Q. You are not to discuss it with
18 anybody else.

19 A. I understand thoroughly.

20 Q. You will be here at ten o'clock
21 in the morning.

22 A. I will, sir.

23
24 ---Whereupon the Hearing adjourned at 4.49 P.M.
25 until 10.00 A.M., 15th June, 1962.

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THE SECRETARY OF THE ARMY
WASHINGTON, D. C.
JANUARY 1, 1911
SIR:
I have the honor to acknowledge the receipt of your letter of the 29th ultimo, in relation to the matter mentioned in the subject of the same.
The same has been referred to the proper authorities for their consideration, and a decision will be rendered as soon as possible.
Very respectfully,
Your obedient servant,
J. H. [Signature]
Major General, U. S. Army
[Address]

le Copy

Volume No. **35**

Royal Commission on Crime,

Wednesday June 13/62.

Pages 7242 — 7466.



VOLUME 35

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WEDNESDAY, JUNE 13TH, 1962

---On resuming at 10:00 a.m.

MR. KEENAN: Mr. Commissioner,
I would like to get your permission to speak
to Balsom, not about any evidence. He wants
to get some further advice.

THE COMMISSIONER: Yes.

MR. KEENAN: On a question of law.

MR. WILSON: (To a constable)

You heard the direction, that he is
to speak to Balsom on certain questions of law.

Mr. Commissioner, a transcription
of the recording of the conversation between
Balsom and McGroarty, I have it here, for
Monday, June the 11th, 1962, that was not
read yesterday.

"Monday, June 11th, 1962,

"conversation recorded. Phone

"call from Thomas McGroarty to the

"home of Sam Balsom at 9:10 a.m.

"Spoke to Balsom's wife -

"conversation as follows:

"Mary: Hello

"McGroarty: Is Sam there Mary?

"Mary: Ah, he just left.

"McGroarty: Do you know where he

"went?



CONFIDENTIAL - SECURITY MATTER

TO: DIRECTOR, FBI

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DATE 10-10-2000 BY 60322 UCBAW/STP
REASON: 25X(1) DURING THE PERIOD OF 1945-1954, THE
SUBJECT WAS A MEMBER OF THE COMMUNIST PARTY, U.S.A.

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REASON: 25X(1) DURING THE PERIOD OF 1945-1954, THE

SUBJECT WAS A MEMBER OF THE COMMUNIST PARTY, U.S.A.

TO: DIRECTOR, FBI



7243

"Mary: Well he had to make a few
"calls, I really don't know. Who's
"this?

"McGroarty: Mickey

"Mary: Oh Mick yeh, I think he
"said he was going to drop in.

"McGroarty: Oh he is going to drop
"in here eh, okay.

"Mary: Okay

"McGroarty: Thanks, Mary, goodbye.

"At 9:33 a.m. Sam Balson drove up,
"parked the car opposite 40 Hamilton
"Street, came over to the front of
"the apartment building. There was
"a knock on the door.

"McGroarty: Hello."

And then, Mr. Commissioner, of course, these
evidences will be covered by evidence to be given
later.

THE COMMISSIONER: Just read it.

MR. WILSON: (reads):

" (Sound of door opening)

" (Conversation muffled)

"McGroarty: 801 Bay Street.

"Moore said I had to go to 801 Bay



"There's hell no had to make a few

"I'll be

"I'll be

"There's hell no had to make a few

"I'll be

"There's hell no had to make a few

"I'll be

"There's hell no had to make a few

"I'll be

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"I'll be

"There's hell no had to make a few

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"There's hell no had to make a few

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"There's hell no had to make a few

"I'll be

"There's hell no had to make a few

"I'll be

"There's hell no had to make a few

"I'll be



1 "Street.

2 "Balsom: Listen, ah, how are you going
3 "to be?

4 "McGroarty: Moore called, said I had to
5 "be up there in the morning.

6 "Balsom: (Searching the apartment,
7 "looking through cupboards, doors
8 "opening and closing)

9 "what did they say?

10 "McGroarty: 801 Bay Street.

11 "Balsom: What's the matter with you,
12 "they denied it. Then guys say no.

13 "You got to say no. That's all you
14 "got to do. You want to say you
15 "worked for me, you say well may yeh

16 "I worked for him a little.

17 "McGroarty: That's perjury though isn't
18 "it.

19 "Balsom: Bribery's worse. Jesus Mick
20 "don't be smart now.

21 "McGroarty: I hope I'll be all right.

22 "I had another bad reaction this
23 "morning - the wife, but you know
24 "how I feel.

25 "Balsom: How are you getting to
26 "Toronto.

27 "McGroarty: By bus.

28 "Balsom: I got to go too.

29 "McGroarty: What time are you going?
30



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"Balsom: Ten, got to leave here

"by what, about eight. They

"ask you if we met, you say yeh

"I seen him in church yesterday.

"McGroarty: (Something said which
"could not be understood).

"Balsom: You can't say that, use
"your head.

"McGroarty: I know, but this, that

"Lamorie and Lawrence deal got me

"down. That whole god damned

"affair has got me down.

"Balsom: You didn't see them.

"McGroarty: No, but if they say it
"you know ah ah

"Balsom: Did you see them.

"McGroarty: Oh yeh, I saw them in the
"restaurant but that's two years ago
"you know.

"Balsom: They didn't see you.

"McGroarty: No

"Balsom: Well that doesn't matter

"and they didn't say nothing. Use

"a little hearsay when you're up
"there.

"McGroarty: I told them what you

"told me. Would they have told

"Scott the time and place and

"everything?

"Balsom: Yeh, yeh.



"You know as well as I do that the

only way to get the

best results is to

keep the

machine

running

"Belmont: You can't say that, you

know

"Belmont: I want to say that

the

only

way

to

get

"You know as well as I do

"Belmont: Did you see

"Belmont: Oh yes, I saw them in the

"Belmont: The

only

"Belmont: They didn't see you

"Belmont: No

"Belmont: Well, that doesn't matter

"and they didn't say anything, did

"Belmont: The

only

"Belmont: I told them what you

"Belmont: The

"Good! The time has come and

"Belmont: The

"Belmont: The



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"McGroarty: He told me that

"Mickey issued the pay-off.

"Balsom: Who said that? "

THE COMMISSIONER: Wait a minute.

Oh, yes.

MR. WILSON: (reads):

"Balsom: Who said that?

"McGroarty: Anderson

"Balsom: Yeh, they told him. They
told.

"McGroarty: The whole time and
everything.

"Balsom: They told him.

"McGroarty: Oh that's a different
matter.

"Balsom: Sure, but

"McGroarty: I'm going to have to
go down to the doctor to get some
more tranquillizers before I go in.

"Balsom: You got to meet me
somewhere today and we'll talk
it over. Jesus Mick what the hell's
the matter with you. Jesus Mickey,
if you say anything all you're
going to do is get me a trial.

"McGroarty: Yeh, I know that's it.

"Balsom: I'm going to deny it.

McGroarty: (Sigh)

"Balsom: I'm going to say this guy's



(1) The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a very important document, as it sets out the President's policy towards the Southern States, which had just seceded from the Union. The President states that he will not recognize the Southern States as independent, and that he will use all the power of the Federal Government to maintain the Union.



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"crazy, for crying out loud, now look
McGroarty: How about coming up
town this afternoon.

Balsom: What's the matter with you,
you want to meet me somewhere or
don't you. Take a bus to the Falls
or somewhere like that.

McGroarty: Niagara Falls.

Balsom: Yeh and I'll just

McGroarty: What time?

Balsom: Whatever time you say

McGroarty: The wife is up town,

she'll be home in an hour

Balsom: Now use your head Mick.

McGroarty: Well I got to

Balsom: But listen, they've said

nothing Now I'm going out first

McGroarty: Yeh I know

Balsom: I'm going to say. They're

going to say, did Mickey work for you.

I'm going to say well yeh in a sense

yeh in a way maybe, he wrote my

sheet for me and I gave him a

percentage. And that's all you

gotta say. And I've seen him Christ

pretty near every day.

McGroarty: Yeh that's because --

too many people saw us. If I was to

say I didn't work for you, boom.



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1 "Balsom: Yeh, you didn't actually
2 "work for me, you worked for
3 "yourself and you wrote my sheet too.

4 "McGroarty: Yeh

5 "Balsom: Don't forget you wrote

6 "McGroarty: I wrote the sheet that's

7 "all

8 "Balsom: You wrote the sheet for me

9 "and you worked for yourself

10 "McGroarty: Yes, I'm nervous.

11 "Balsom: Well what do you think I

12 "am

13 "McGroarty: Well look at you, you

14 "look as cool as a cucumber

15 "Balsom: Oh yeh, but I mean now

16 "look now I say what time you want me

17 "to meet you

18 "McGroarty: Oh about one o'clock

19 "Balsom: One o'clock

20 "McGroarty: Well I'll phone

21 "Balsom: No I wouldn't phone you

22 "here. You'll be all right

23 "McGroarty: You know me Sam, I can take

24 "questions

25 "Balsom: Okay

26 " (At this point Balsom left the
27 "house).
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“...and the people of the world are now beginning to see the light.”



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"Phone call Balson to McGroarty

"at 7:20 p.m. June 11th, 1962.

"Balson: Eh

"McGroarty: Eh

"Balson: You'd better make it

"to the church

"McGroarty: The doctor told me

"not to go out of the house

"Balson: Tomorrow too

"McGroarty: Yeh, well I have to go

"up there tomorrow

"Balson: Well if you didn't go

"up there tomorrow isn't it all

"right

"McGroarty: Oh yeh, but he okayed it

"Balson: why

"McGroarty: Well he said there was

"nothing wrong, that

"Balson: Nerves

"McGroarty: That's all. He says

"you'll be all right, he said

"just watch yourself tomorrow, just

"take a chocolate bar with ya.

"Balson: Well, Mick you'd better

"make it to the church Go to the

"church. Somebody called you eh,

"that doesn't matter who they, you

"don't know who called. What the

"hell a call doesn't mean nothing,



There are many things in the world

that are not as they seem to be

and many things that are not as they seem to be

and many things that are not as they seem to be

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"It's all right to a, guy what the
hell. I'm going up too you know.

"McGroarty: Yeh

"Balsom: You can't make it over
here eh (pause) Well

"McGroarty: No

"Balsom: Why

"McGroarty: Well I'm not shaved,
I've got pyjamas on and everything
else

"Balsom: You don't think its
important eh

"McGroarty: No

"Balsom: Why are you going to say
there

"McGroarty: Nothing

"Balsom: Okay, bye, bye.

"Phone call Balsom to McGroarty at
8:25 p.m. on June 11th, 1962

"McGroarty: Hello

"Balsom: Listen, I just eh figured
out why they got us going down
there tomorrow

"McGroarty: What's this

"Balsom: If you talk to, to the





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"Crime Commission inside ah they're
"going to book you right away and
"ah you know what I mean. If you go
"in and tell them some kind of cock
"and bull story, you know what
"I mean, that ah

"McGroarty: Tell who Sam

"Balsom: About anybody, that you
"gave somebody money or something.
"I don't know that the hell you're
"talking about, you know what I
"mean

"McGroarty: Oh yeh

"Balsom: Yeh. See. Now then you
"know what's going to happen, you're
"going to get booked right away.

"McGroarty: Booked for what

"Balsom: Ah, for what, what do you
"think, some kind of a charge, trumped
"up charge, I don't know what the
"(blank) they're trying to do but
"you understand we're not supposed
"to appear tomorrow, eh. I think
"you should have come down to the
"church and talked.

"McGroarty: Run

"Balsom: But don't say nothing

"McGroarty: No

"Balsom: Don't talk to anybody except





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"when you go into the Royal Commission

McGrearty: Okay

Balsom: Nobody

McGrearty: Nobody

Balsom: How do ya feel

McGrearty: Oh, weary but

Balsom: Mickey, the only way . . . "

THE COMMISSIONER: No. No.

"Mickey, there's only one way . . . "

MR. WILSON:

Balsom: Mickey there's only one

"way to go. Mick I'm tellin ya,

"Christ, or you'll kill yourself.

McGrearty: You're not kidding and

"I'm worried sick

Balsom: Ah, ah. How do you feel,

"how's your sugar

McGrearty: Oh it's all right,

"I mean, ah, the doctor

Balsom: You know when I came up

"there today you didn't make sense

"you know. You forget "

THE COMMISSIONER: " Don't forget".

MR. WILSON:

Balsom: You know when I came up

"there today you didn't make y/ sense

"you know. Don't forget that because

"you're, you're in kind of a fog.

McGrearty: Yeh



I have been thinking of you a great deal lately, and wondering how you are getting on. I hope you are well and happy. I have been very busy lately, but I have managed to find some time to write to you. I have been thinking of you a great deal lately, and wondering how you are getting on. I hope you are well and happy. I have been very busy lately, but I have managed to find some time to write to you.



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"Balsom: I couldn't even talk to

"you, eh

"McGrearty: I'll remember that

"Balsom: Oh now well, no you didn't.

"McGrearty: No but I mean I remember

"being in a fog

"Balsom: Yeh I know you were in

"a fog, even the doctor says you

"were in

"McGrearty: After the doctor

"Balsom: But anyway, look it,

"don't forget what I said, don't talk

"to anybody until you go inside

"McGrearty: Okay

"Balsom: Because if you do they're

"going to book you right away and me

"and everybody and Shootin Jimmy

"Jones and everybody else

"McGrearty: Ha, ha

"Balsom: Goodbye, I'm going to

"hed

"McGrearty: Right."

MR. WILSON: Mr. Commissioner, I

would like to have a hearing in camera to

prove the transcript of these conversations

between these two persons



7254

1 THE COMMISSIONER: In my room, if
2 you like. Are you filing these?

3 MR. WILSON: Yes, I will file the
4 one I read yesterday together with the one I
5 read this morning.

16 (Page 7255 follows)



THE COMMISSIONER OF THE
LAND OFFICE, WASHINGTON, D. C.
SIR:
I have the honor to acknowledge the receipt of your letter of the 10th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.
Very respectfully,
J. H. [Name]

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1 ---Open resuming in the hearing room at 11:11 a.m.

2 MR. WILSON: I call Mr. McGroarty.

3
4 THOMAS JOSEPH MCGROARTY, recalled

5 THE COMMISSIONER: You are still under
6 oath, Mr. McGroarty.

7 THE WITNESS: Yes, sir.

8 EXAMINATION BY MR. WILSON (CONTINUED):

9 Q. Yesterday you said something about
10 other payments to Lamoris after he had resigned
11 and, in that connection, did Balson make any
12 reference to McDermott?

13 A. That is one thing I am not sure of;
14 I believe he did, but I am not very sure.

15 Q. Then, did he tell you about further
16 demands for money by Lamoris?

17 A. Lamoris was broke and he was always
18 after Balson for money.

19 Q. Did he ever tell you anything further
20 about what happened?

21 A. No, he just said he was going to...

22 Q. Said he was going to what?

23 A. ...stop Lamoris getting after him
24 all the time for money.

25 Q. He was going to put a stop to it?

26 A. A stop put to it.

27 Q. Did he ever tell you whether he
28 was successful?

29 A. It was stopped.

30 Q. It was stopped. Do you know how it



THE UNITED STATES OF AMERICA
DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

MEMORANDUM FOR THE DIRECTOR

SUBJECT: [Illegible]

TO: [Illegible]

FROM: [Illegible]

DATE: [Illegible]

RE: [Illegible]

1. [Illegible]

2. [Illegible]

3. [Illegible]

4. [Illegible]

5. [Illegible]

6. [Illegible]

7. [Illegible]

8. [Illegible]

9. [Illegible]

10. [Illegible]

11. [Illegible]

12. [Illegible]

13. [Illegible]

14. [Illegible]

15. [Illegible]

16. [Illegible]

17. [Illegible]

18. [Illegible]

19. [Illegible]

20. [Illegible]

21. [Illegible]

22. [Illegible]



1 was stopped?

2 A. Well, this is only hearsay that---

3 Q. No, no.

4 THE COMMISSIONER: No.

5 MR. WILSON: Q. You don't know how it was
6 stopped?

7 A. I can't recall exactly.

8 Q. Have you any knowledge of any crap
9 game being carried on in St. Catharines by any
10 group of people?

11 A. Yes, sir.

12 Q. In what years?

13 A. 1960 only.

14 Q. 1960 only?

15 A. Only.

16 Q. And at what location?

17 A. It was the Parkdale Club.

18 Q. It was the Parkdale Club, and where
19 was it located?

20 A. St. Paul Street, St. Catharines.

21 Q. And what do you know about that
22 operation?

23 A. Well, I went up there one night
24 with Halsom when they were getting all set up for
25 the game. There were about eight men there I
26 didn't know.

27 Q. Did it operate every night?

28 A. No, just every Wednesday night.

29 Q. Just every Wednesday night. And,
30 what did Halsom tell you about the operation?



Page 1

1. The first part of the report is devoted to a general

description of the work.

2. The second part is devoted to a detailed

description of the results of the work.

3. The third part is devoted to a discussion

of the results of the work.

4. The fourth part is devoted to a summary

of the results of the work.

5. The fifth part is devoted to a conclusion

of the results of the work.

6. The sixth part is devoted to a list of

references.

7. The seventh part is devoted to a list of

figures.

8. The eighth part is devoted to a list of

tables.

9. The ninth part is devoted to a list of

appendices.

10. The tenth part is devoted to a list of

figures.

11. The eleventh part is devoted to a list of

tables.

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figures.

13. The thirteenth part is devoted to a list of

tables.

14. The fourteenth part is devoted to a list of

figures.

15. The fifteenth part is devoted to a list of



1 A. Well, that the money came from
2 Toronto to bank the game.

3 Q. Did he tell you who the Toronto
4 people were who were interested in it?

5 A. That is another thing I am not very
6 sure of; I know he mentioned McDermott there a
7 few times, but I can't really recall exactly when.

8 Q. Now, there has been introduced in
9 evidence transcripts of certain conversations
10 between Balson and yourself which took place on
11 the dates that have been mentioned earlier in
12 your evidence, and I see in some of them and, in
13 particular, of the transcription of the conversa-
14 tion of June 11th, that there is reference to
15 your health during the period of these conversa-
16 tions. Now, there is a reference, for instance,
17 there is a suggestion, I think, at one point
18 where you were in a fog. Now, tell us about that?

19 A. Well, any time that I didn't want
20 to meet the ball, I would say -- I would have
21 the wife tell them I was in a reaction and we
22 are waiting for the doctor to come up.

23 Q. Did the doctor ever come?

24 A. Never, sir.

25 THE COMMISSIONER: Q. That was just for
26 the purpose of putting him off?

27 A. That is right, sir.

28 MR. WILSON: Q. So that whenever you
29 wanted to avoid him or avoid having a meeting
30



Q. Now, did you see him?

A. Yes, I saw him.

Q. Did he tell you who he was?

A. He told me he was a doctor.

Q. What is his name?

A. His name is Dr. Thompson.

Q. Did you see him again?

A. Yes, I saw him again.

Q. Where did you see him?

A. I saw him in the hospital.

Q. Did you see him again?

A. Yes, I saw him again.

Q. Did you see him again?

A. Yes, I saw him again.

Q. Did you see him again?

A. Yes, I saw him again.

Q. Did you see him again?

A. Yes, I saw him again.

Q. Did you see him again?

A. Yes, I saw him again.

Q. Did you see him again?

A. Yes, I saw him again.

Q. Did you see him again?

A. Yes, I saw him again.

Q. Did you see him again?

A. Yes, I saw him again.

Q. Did you see him again?

A. Yes, I saw him again.

Q. Did you see him again?

A. Yes, I saw him again.



1 with him on an issue...

2 A. I had a reaction.

3 Q. ...you had a reaction?

4 A. Yes, sir.

5 Q. Now, prior to 1952 you had a
6 criminal record?

7 A. Yes, sir.

8 Q. And, since 1952, apart from this
9 conviction for gaming in October of 1960, has
10 there been any further charge against you?

11 A. No, sir.

12 Q. In other words, apart from the
13 gaming you have had no trouble with the authorities
14 since 1952?

15 A. No, sir.

16 Q. But, prior to that time you had
17 quite an extensive record?

18 A. Yes, sir.

19 Q. For attempted false pretenses,
20 were you convicted of that?

21 A. ^{yes,}
I believe so, sir.

22 Q. And, fraud?

23 A. Fraud; B. and E.

24 Q. Break and entering. Theft of an
25 auto?

26 A. Yes, sir.

27 Q. Theft?

28 A. Yes, sir.

29 Q. Theft -- false pretenses and uttering
30 of forged documents?



● 1997年12月1日 星期一

and the fact that the Government has not yet received any information from the Government of the Republic of China regarding the situation in the Republic of China.



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A. Right, sir.

Q. This covered what period of time?

A. From the middle thirties to '50 --
1952.

Q. And I see that you were released
from Kingston Penitentiary in about May or June...

A. June 1st.

Q. ...of 1954?

A. 1954.

Q. And from that time on, apart from
the bookmaking you have not been in any trouble?

A. No, sir.

THE COMMISSIONER: Q. When did you get
married, Mr. McGroarty?

A. September, 1954; September 10th.

Q. And, you have---

MR. WILSON: Q. Why did you -- Sorry.

THE COMMISSIONER: Q. How many children
have you?

A. Two girls, sir.

MR. WILSON: Q. Why did you turn to book-
making after you got out of the penitentiary?

A. With my diabetic condition I couldn't
get a job anywhere in St. Catharines.

Q. Well, you had a job up at Elliot
Lake?

A. At that time they needed accountants
up there that bad...

Q. They needed accountants up there
that bad---



THE UNITED STATES

OF THE DISTRICT OF COLUMBIA

IN SENATE, JANUARY 1, 1947

REPORT

OF THE COMMISSIONER OF THE GENERAL LAND OFFICE

IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE

ON MAY 1, 1946

AND A RESOLUTION PASSED BY THE HOUSE OF REPRESENTATIVES

ON MAY 1, 1946

AND A RESOLUTION PASSED BY THE HOUSE OF REPRESENTATIVES

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A RESOLUTION PASSED BY THE HOUSE OF REPRESENTATIVES

ON MAY 1, 1946

AND A RESOLUTION PASSED BY THE HOUSE OF REPRESENTATIVES

ON MAY 1, 1946



1 A. ...they didn't ask about your
2 health or anything, but here you have to go
3 through a medical exam. in all the plants.

4 THE COMMISSIONER: Q. What is your education?

5 A. First year university, sir.

6 MR. WILSON: // Then, I would ask that
7 the cross-examination of this witness be post-
8 poned until after Halsom is cross-examined, and
9 I have one short witness I would like to put in
10 the box first.

11 MR. MACKINNON: I wonder if I could have
12 my cross-examination of this witness before I
13 cross-examine Halsom; surely, that should be my
14 choice.

15 THE COMMISSIONER: Just a moment. You
16 have got a short witness who wants to get away
17 possibly?

18 MR. WILSON: I don't know whether he wants
19 to get away, but I think it might be more
20 appropriate to call him now and hear his evidence
21 before this witness is cross-examined.

22 MR. MACKINNON: Oh, well, then, I am
23 content with that.

24 THE COMMISSIONER: Very well, Mr. Wilson.

25
26 ---Whereupon the witness withdrew.

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...and that was the end of it.

...and that was the end of it.

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...and that was the end of it.



1 THE COMMISSIONER: Are you calling that
2 other witness now?

3 MR. WILSON: Yes, Detective Richardson.

4
5 ROBERT JAMES RICHARDSON, sworn

6 EXAMINED BY MR. WILSON:

7 Q. You are a detective on the
8 St. Catharines Police Force?

9 A. Yes, I am, sir.

10 Q. And, you were a detective in
11 October of 1960?

12 A. I was a plain-clothes man.

13 Q. A plain-clothes man at that time.
14 Was it you -- Did you have anything to do with
15 the prosecution of Thomas McGroarty at that time
16 on a bookmaking charge?

17 A. Yes.

18 Q. And, did you, following the plea
19 of guilty, have any meeting with McGroarty and
20 Samuel Balson?

21 A. I had a meeting with him the morning
22 after his bail was put up.

23 Q. Oh, after the bail?

24 A. Yes.

25 Q. That is about when?

26 A. It was a Sunday morning, October 16th,
27 1960. I was walking up James Street in
28 St. Catharines, and a car pulled into the curb
29 beside me, and I turned and I looked, and it was
30 Sam Balson driving the car and Mr. McGroarty was



THE UNIVERSITY OF CHICAGO

[Faint, illegible text]



1 sitting beside him.

2 They started to use a little abusive
3 language towards me.

4 THE COMMISSIONER: Q. Who did?

5 A. Sam Balson. He asked me if I had
6 it in for him; why I was picking on him. I told
7 him I didn't have it in for him, actually, and
8 I can't remember all the words that were said,
9 but he said to me, he said, "Why can't you give a
10 guy a phone call?" I just laughed and walked
11 away, and while I was walking away he continued
12 to call me abusive names.

13 MR. WILSON: I think that is all, thank you.

14 THE COMMISSIONER: Any questions?

15 MR. MCKINNON: No, sir.

16 THE COMMISSIONER: Q. That is all, thank you.

17
18 ---Whereupon the witness withdrew.

19
20 - - - - -

21 MR. WILSON: Well, we will recall Mr.
22 McGroarty.

23 THE COMMISSIONER: Mr. who?

24 MR. WILSON: Mr. McGroarty, subject to
25 your ruling. I think he wants to cross-examine
26 him, first.

27 THE COMMISSIONER: All right.

28 MR. WILSON: It doesn't matter to me
29 one way or the other.

30 THE COMMISSIONER: All right; have Mr. McGroarty



along with him.

They started to see a light ahead.

They were in the dark.

They were in the dark.

A. The reason he asked me if I had

is for him; why I was looking at him. I was

and I might have to in his, actually, not

I was looking at him and he was not

but he said to me, he said, "Why don't you give a

boy a phone call?" I just looked and waited

and he said I was looking at him and he was

he said to me, he said,

Mr. Wilson, I think that is all, thank you.

Mr. Wilson, I think that is all, thank you.

Mr. Wilson, I think that is all, thank you.

Mr. Wilson, I think that is all, thank you.

Mr. Wilson, I think that is all, thank you.

Mr. Wilson, I think that is all, thank you.

Mr. Wilson, I think that is all, thank you.

Mr. Wilson, I think that is all, thank you.

Mr. Wilson, I think that is all, thank you.

Mr. Wilson, I think that is all, thank you.

Mr. Wilson, I think that is all, thank you.

Mr. Wilson, I think that is all, thank you.

Mr. Wilson, I think that is all, thank you.



1 come back.

3 THOMAS JOSEPH MCGROARTY, recalled

4 EXAMINED BY MR. MACKINNON:

5 Q. Mr. McGroarty?

6 A. Yes, sir?

7 Q. Do you know who I am, I take it?

8 A. I don't, sir.

9 Q. My name is MacKinnon.

10 A. Oh, yes.

11 Q. And I am counsel for the Liberal

12 Party here.

13 I must admit it is refreshing...

14 THE COMMISSIONER: Well---

15 MR. MACKINNON: Q. ...to have a witness
16 who tells the truth.

17 MR. WILSON: Oh.

18 MR. MACKINNON: Q. I am a little confused
19 as to how to start on this particular witness;
20 it is a novelty.

21 Q. Were you present when Sammy Haison
22 discussed this protection arrangement he had with
23 Frank McIlwaine?

24 A. Yes, I was in the poolroom upstairs.

25 Q. How did he explain the set-up to
26 Mr. McIlwaine?

27 A. I couldn't hear all that very good.
28 I was told to be at the end of the table, like,
29 it's a bar there, at the end, and I was at the
30 end; but I could hear Frank say, "That's a good



...the first of the series ...
...the second of the series ...
...the third of the series ...
...the fourth of the series ...
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...the hundredth of the series ...



1 thing; what we need around here."

2 Q. That's what we need around here?

3 A. Yes.

4 Q. And, did you hear anything further
5 as to how it was to operate; I mean, you had
6 heard from Balson already, I understand, but did
7 you hear him explaining any part of the operation
8 then?

9 A. Sam would be around to pick up all
10 the money every month.

11 Q. Did you hear him say how much money
12 he was to receive?

13 A. \$50.00 a month.

14 Q. \$50.00 a month for the protection
15 he was going to give?

16 A. Yes.

17 Q. You already stated that on occasions
18 you were with Sam Balson when he went to pick up
19 this protection money, and you sat out in the car?

20 A. I sat out in the car all the time.

21 Q. Now, Millwaine's was one of these
22 places, that is quite clear?

23 A. Yes.

24 Q. And, you said Petrochanko was
25 another?

26 A. Yes.

27 Q. You said that Joe Fortuna was
28 another?

29 A. Yes, sir, Junke -- Joe.

30 Q. Junke, that is the name; that's right.



Witness that we have read the foregoing

and find it to be a true and correct copy

of the original

and that we have compared the same with the original

and find it to be a true and correct copy

and that we have compared the same with the original

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1 Where did Joe Portura carry on operations?

2 A. Thorold.

3 Q. Does the name Christoff mean
4 anything to you?

5 A. I didn't know Chris.; he operated
6 mostly in Niagara Falls.

7 Q. He operated mostly in Niagara Falls?
8 Well, did Balson have a patch in Niagara Falls?

9 A. I don't believe so, no, sir.

10 Q. Now, what was to happen if anyone
11 refused to pay Balson; did you ever hear that
12 aspect of the matter discussed?

13 A. I guess they would be raided.

14 Q. Did Balson so state?

15 A. Yes.

16 Q. He did. How would he work that?

17 A. I guess he would tip off Lamorie
18 and Lawrence and they would be down on them.

19 Q. I see; that was for these bookies
20 that refused to co-operate and refused to pay?

21 A. Yes.

22 THE COMMISSIONER: Q. Did you hear that
23 discussed?

24 A. Yes.

25 Q. With whom?

26 A. I was in the car with him one day---

27 Q. Who?

28 A. Pat Malley. He said, "He will get it."
29 And, he did.

30 MR. MCKINNON: Q. Pat Malley? Was Pat



There are two main reasons for the...

1. The first reason is...

2. The second reason is...

3. The third reason is...

4. The fourth reason is...

5. The fifth reason is...

6. The sixth reason is...

7. The seventh reason is...

8. The eighth reason is...

9. The ninth reason is...

10. The tenth reason is...

11. The eleventh reason is...

12. The twelfth reason is...

13. The thirteenth reason is...

14. The fourteenth reason is...

15. The fifteenth reason is...

16. The sixteenth reason is...

Conclusion:

17. The seventeenth reason is...

18. The eighteenth reason is...

19. The nineteenth reason is...

20. The twentieth reason is...

21. The twenty-first reason is...

22. The twenty-second reason is...



1 Malley one that refused to make his contribution
2 to the protection fund?

3 A. No, I don't know anything about it,
4 but I know he was knocked over the next day.

5 Q. By the Anti-Gambling Squad?

6 A. No, by the local police.

7 Q. The local police. Do you know
8 whether Balson had any connection with the local
9 police?

10 A. Yes, sir.

11 Q. Did he tell you he had a similar
12 arrangement with the St. Catharines Police?

13 A. Oh, yes.

14 Q. Did he tell you with whom he had
15 this connection?

16 A. Yes, sir.

17 Q. Who was that?

18 A. He named him as a man named Dawson
19 who was a beat cop at that time.

20 Q. You knew him too, did you?

21 A. No, but when the picture was shown
22 to me I pointed out the man and it wasn't Dawson---

23 Q. Did Balson identify the man to you;
24 point him out to you?

25 A. No, he used to come up to the car
26 and talk to him.

27 Q. Balson did?

28 A. Yes.

29 Q. And, this was the man whom Balson
30 identified to you as being his connection on the



THE STAFF WILL HAVE DIFFICULTY WITH THE NEW 1000

Figure 10-16

[illegible]



1 Force, and as being Dawson?

2 A. No, Croquet.

3 Q. Croquet?

4 A. Yes.

5 Q. You wouldn't know how to spell that?

6 A. C-r-o-q-u -- I'm not sure.

7 Q. Is he an officer on the beat now?

8 A. No, he is a sergeant now.

9 Q. He is a sergeant now? And, do you
10 know in what department he was a sergeant -- Do
11 they have departments in the Morality Squad?

12 A. They have now, but he was a
13 uniformed sergeant.

14 Q. I see. Now, what arrangements --
15 from what Balson has told you and from what you
16 observed -- did Feeley and McDermott have in
17 this matter of protection with Sammy Balson?

18 A. With the bookmaking I don't think
19 they had any.

20 MR. ROSE: I am sorry; I didn't hear that.

21 THE COMMISSIONER: "With the bookmaking I
22 don't think they had any."

23 MR. MACKINNON: Q. Well, did Balson ever
24 describe to you or discuss with you what Feeley's
25 and McDermott's arrangements or connections were
26 with Lawrence and Lamorie?

27 A. No, sir.

28 Q. Now, you told us that Sammy Balson
29 came into your house one night in the spring of
30 '60 and threw \$500.00 down, was it on the table



...and as being ...

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1 in front of you?

2 A. It was in the winter.

3 Q. In the winter, yes, that is right;
4 you said there was snow on the ground. And, he
5 said that the envelope was torn, and for you to
6 put it in a fresh envelope?

7 A. Put it in a new envelope.

8 Q. Why did he give it to you; why was
9 it he didn't put it in the window himself?

10 A. He had to go out that night to a
11 bowling tournament or a golf do, or something.

12 Q. When he was giving you these instruc-
13 tions was your wife sitting there, right there,
14 do you know?

15 A. Yes.

16 Q. She was right there and she observed
17 this as well?

18 A. Yes.

19 Q. She saw him give you the money, and
20 did she observe you counting the money?

21 A. Yes.

22 Q. And she observed what Hanson said
23 to you?

24 A. Oh, yes, very clear.

25 Q. Fine. Then, you stated that
26 Lamorie called you?

27 A. Yes, sir.

28 Q. Did he identify himself to you as
29 Lamorie?

30 A. Oh, yes.



1970

U. S. DEPARTMENT OF JUSTICE

INVESTIGATION

RE: [illegible]

DATE: [illegible]

TO: [illegible]

FROM: [illegible]

SUBJECT: [illegible]

1. [illegible]

2. [illegible]

3. [illegible]

4. [illegible]

5. [illegible]

6. [illegible]

7. [illegible]

8. [illegible]

9. [illegible]

10. [illegible]

11. [illegible]

12. [illegible]

13. [illegible]

14. [illegible]

15. [illegible]

16. [illegible]

17. [illegible]

18. [illegible]

19. [illegible]

20. [illegible]

21. [illegible]

22. [illegible]

23. [illegible]

24. [illegible]



1 Q. Did he tell you that either
2 Lamorie or Lawrence were going to call you?

3 A. Oh, yes.

4 Q. Had you met Lamorie before this?

5 A. No, sir.

6 Q. Had you met Lawrence before this?

7 A. No, sir.

8 Q. Then you say Lamorie told you where
9 to leave the money?

10 A. Where to leave the money, yes, sir.

11 Q. Was this vehicle -- was it a police
12 vehicle?

13 A. No, sir it was a green panel truck.

14 Q. Do you know whose truck it was?

15 A. No, sir, I don't.

16 Q. You didn't take the license number --
17 you don't know whose truck it was?

18 A. I know whose it was now.

19 Q. Later--

20 A. But I didn't know then.

21 Q. You found out later?

22 A. Yes.

23 Q. Whose was it?

24 A. It was the O.P.F.'s.

25 Q. It was an O.P.F. truck?

26 A. Yes, sir.

27 THE COMMISSIONER: Q. When did you learn
28 that?

29 A. Just when I was talking here with
30 the man.



Q. Did you see any other persons in the room at that time?

A. Yes, I did.

Q. What time was it when you saw them?

A. It was about 10:30.

Q. Did you see anyone else in the room at that time?

A. No, I did not.

Q. Did you see anyone else in the room at that time?

Q. Did you see anyone else in the room at that time?

A. I did not see anyone else in the room at that time.

Q. Did you see anyone else in the room at that time?

Q. Did you see anyone else in the room at that time?

A. I did not see anyone else in the room at that time.

Q. Did you see anyone else in the room at that time?

A. I did not see anyone else in the room at that time.

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Q. Did you see anyone else in the room at that time?

A. I did not see anyone else in the room at that time.

Q. Did you see anyone else in the room at that time?

A. I did not see anyone else in the room at that time.

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A. I did not see anyone else in the room at that time.

Q. Did you see anyone else in the room at that time?

Q. Did you see anyone else in the room at that time?

Q. Did you see anyone else in the room at that time?



1 Mr. WILSON: Mr. Commissioner, I will be
2 calling a witness who will be proving that this
3 green panel truck was an O.P.F. vehicle.

4 THE COMMISSIONER: Yes, but I think it is
5 important to find out when this witness learned
6 this.

7 Q. When did you learn this?

8 A. This year.

9 Q. You didn't know until this year
10 that this was an O.P.F. truck?

11 A. No, no.

12 MR. MacKINNON: Q. Did it carry any
13 markings?

14 A. No, it just looked like an ordinary
15 green panel truck.

16 Q. You stated that you walked by a
17 restaurant, you and your wife, and you stated
18 you saw Lawrence and Lamorie in there?

19 A. Yes, sir.

20 Q. And, how were you able to identify
21 them as Lawrence and Lamorie; I thought you just
22 said you hadn't met them before?

23 A. I saw them, and---

24 Q. Just take your time. It's all right;
25 take your time. Would you like to sit down?

26 A. I had seen them at the bowling alley.

27 Q. You saw them at the bowling alley?

28 THE COMMISSIONER: Q. You have a little
29 speechy stoppage in your speech that bothers you
30 occasionally?



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Q. Now, Mr. [Name], I am going to ask you a series of questions, and you will be answering them. The first question is: Did you see the [Name] on the [Date]?

A. Yes, I did. I saw him on the [Date] at [Location].

Q. How did you know that was [Name]?

A. I saw him [Description] and he was wearing a [Description].

Q. Did you see him again on the [Date]?

A. Yes, I did. I saw him on the [Date] at [Location].

Q. How did you know that was [Name]?

A. I saw him [Description] and he was wearing a [Description].

Q. Did you see him again on the [Date]?

A. Yes, I did. I saw him on the [Date] at [Location].

Q. How did you know that was [Name]?

A. I saw him [Description] and he was wearing a [Description].

Q. Did you see him again on the [Date]?

A. Yes, I did. I saw him on the [Date] at [Location].



1 A. Yes, sir.

2 MR. MACKINNON: Q. You had already seen
3 them at the bowling alley so you were able to
4 identify them by that?

5 A. Yes, sir.

6 Q. And, was there any idea in your
7 mind about their being there that night?

8 A. No. Sammy was going to notify me
9 about the fix, and he told me they were going
10 to phone and tell me where to leave the money.

11 Q. You indicated that subsequently
12 you had met Lawrence and Lamorie?

13 A. I saw them at the bowling alley again.

14 Q. Yes. Now, did you ever speak to
15 them subsequently?

16 A. No, sir.

17 Q. Has Lamorie, since his resignation
18 from the Police Force, spoken to you about this
19 protection?

20 A. I never saw him, no, sir.

21 Q. He has never bothered to telephone
22 you?

23 A. No, sir.

24 Q. Sam Balson was the one who was---

25 A. Doing all the phoning.

26 Q. I see. Now, did Mr. Balson ever
27 mention any other official with whom he had a
28 fix or alleged he had a fix, or his friends had
29 a fix?

30 A. No, I can't recall that he ever did



● 1997年10月1日



1 mention anybody else, sir.

2 Q. Well, did he ever mention any
3 other senior police officer or senior police
4 official?

5 A. He said one was going to have a
6 heart attack, and a couple of weeks later, he did.

7 Q. What did he say was going to happen
8 to that gentleman; anything, apart from the
9 heart attack?

10 A. No. He said he will be resigning.

11 Q. I see. And, did he mention the
12 man's name?

13 A. Yes, sir.

14 Q. Whose name did he mention?

15 A. Bartlett.

16 Q. Was this after he had been at this
17 hearing and had been cross-examined, or was being
18 cross-examined?

19 A. Oh, no, this was a long time ago.

20 Q. This was a long time ago? This was
21 prior to '62?

22 A. No, this was about a month ago,
23 before he ever came to the hearing.

24 Q. It was after he had been in the box
25 here and been cross-examined?

26 A. Oh, yes, sir, it was after that;
27 it was about a month ago, I believe.

28 Q. He told you that Bartlett would
29 have a heart attack and be superannuated or would
30 be on pension?

[illegible]



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A. Retired.

Q. Did he -- Did Balson tell you from whom he secured this information?

A. No, sir.

Q. Well, now, that was one public official he mentioned. Has he or did he, during your period of association with him right up until to-day, mention any other public official?

A. No, sir, not that I can remember.

Q. Not that you can remember. Does the name Arthur Jolley mean anything to you?

A. Well, I just read in the paper.

Q. I appreciate that. You read it in the paper, but did Mr. Balson ever mention his name to you?

A. I mentioned it to him.

Q. You mentioned it to him and you mentioned about perjury--

A. And I didn't want to go for that.

Q. That is what you said?

A. Yes, that is what I said to Sam.

Q. Yes. And, I am reading his words: "Bribery was worse than perjury" -- his reaction was, "Bribery was worse than perjury".

A. Yes, sir.

Q. Did he ever mention anything to you about knowing Jolley?

A. No, he never did.

Q. Now, was Police Constable Robert J. Wright ever mentioned to you during the time



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1 you were working for Balson?

2 A. I can't recall that; I don't believe
3 it was, sir.

4 Q. If you might cast your mind back
5 was there ever any mention made by Balson of
6 Robert Wright when he was discussing Lawrence
7 and Lawrie with you?

8 A. Yes, his name has been brought up
9 but I forget now just what was said.

10 Q. Just what was said. Now,
11 incidentally, in the conversation that I took
12 down yesterday as read from the transcription
13 you mentioned a Bas.; who is Bas.?

14 A. Bas. Hansen. He owns the Central
15 poolroom there.

16 Q. I see. It also seems to me a
17 "Bracie" was mentioned?

18 A. Bracie, that's my wife.

19 Q. There is no other "Mickey", is
20 there, outside of yourself?

21 A. No, sir, just me.

22 Q. Then, you mentioned that at some
23 time you had received a threatening phone call?

24 A. Yes, sir.

25 Q. Now, was that before you were
26 subpoenaed?

27 A. Yes, sir.

28 Q. And, how long before you were
29 subpoenaed?

30 A. May 18th.





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Q. May 18th?

A. Yes, sir.

Q. Now, had you been talking to the police at that time?

A. No, sir.

THE COMMISSIONER: Q. What was your answer?

A. No, sir.

MR. MACKINNON: Q. Well, as I recollect your answer on that occasion it was that the voice that called said---

A. "Somebody in St. Catharines is doing a lot of talking".

Q. Yes. Well, now, had you not been talking to the police by this time?

A. No, sir, that came up afterwards.

Q. You had not been talking to them prior to May 18th?

A. No, sir.

Q. About the possibility of your giving evidence here?

A. No, sir.

Q. Did you recognize the voice of the person who called?

A. No, sir.

Q. Was the voice completely unfamiliar to you?

A. Yes, sir.

Q. And, was there any -- Just what was the threat?

A. Well, it wasn't to me the threat was;



| | |
|-----|-----------------------------------|
| 1 | Q. Now, did you ever talk to her? |
| 2 | A. Yes, I did. |
| 3 | Q. When was that? |
| 4 | A. It was about a year ago. |
| 5 | Q. How long ago? |
| 6 | A. About a year ago. |
| 7 | Q. Did you ever see her again? |
| 8 | A. No, I did not. |
| 9 | Q. Did you ever see her again? |
| 10 | A. No, I did not. |
| 11 | Q. Did you ever see her again? |
| 12 | A. No, I did not. |
| 13 | Q. Did you ever see her again? |
| 14 | A. No, I did not. |
| 15 | Q. Did you ever see her again? |
| 16 | A. No, I did not. |
| 17 | Q. Did you ever see her again? |
| 18 | A. No, I did not. |
| 19 | Q. Did you ever see her again? |
| 20 | A. No, I did not. |
| 21 | Q. Did you ever see her again? |
| 22 | A. No, I did not. |
| 23 | Q. Did you ever see her again? |
| 24 | A. No, I did not. |
| 25 | Q. Did you ever see her again? |
| 26 | A. No, I did not. |
| 27 | Q. Did you ever see her again? |
| 28 | A. No, I did not. |
| 29 | Q. Did you ever see her again? |
| 30 | A. No, I did not. |
| 31 | Q. Did you ever see her again? |
| 32 | A. No, I did not. |
| 33 | Q. Did you ever see her again? |
| 34 | A. No, I did not. |
| 35 | Q. Did you ever see her again? |
| 36 | A. No, I did not. |
| 37 | Q. Did you ever see her again? |
| 38 | A. No, I did not. |
| 39 | Q. Did you ever see her again? |
| 40 | A. No, I did not. |
| 41 | Q. Did you ever see her again? |
| 42 | A. No, I did not. |
| 43 | Q. Did you ever see her again? |
| 44 | A. No, I did not. |
| 45 | Q. Did you ever see her again? |
| 46 | A. No, I did not. |
| 47 | Q. Did you ever see her again? |
| 48 | A. No, I did not. |
| 49 | Q. Did you ever see her again? |
| 50 | A. No, I did not. |
| 51 | Q. Did you ever see her again? |
| 52 | A. No, I did not. |
| 53 | Q. Did you ever see her again? |
| 54 | A. No, I did not. |
| 55 | Q. Did you ever see her again? |
| 56 | A. No, I did not. |
| 57 | Q. Did you ever see her again? |
| 58 | A. No, I did not. |
| 59 | Q. Did you ever see her again? |
| 60 | A. No, I did not. |
| 61 | Q. Did you ever see her again? |
| 62 | A. No, I did not. |
| 63 | Q. Did you ever see her again? |
| 64 | A. No, I did not. |
| 65 | Q. Did you ever see her again? |
| 66 | A. No, I did not. |
| 67 | Q. Did you ever see her again? |
| 68 | A. No, I did not. |
| 69 | Q. Did you ever see her again? |
| 70 | A. No, I did not. |
| 71 | Q. Did you ever see her again? |
| 72 | A. No, I did not. |
| 73 | Q. Did you ever see her again? |
| 74 | A. No, I did not. |
| 75 | Q. Did you ever see her again? |
| 76 | A. No, I did not. |
| 77 | Q. Did you ever see her again? |
| 78 | A. No, I did not. |
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| 82 | A. No, I did not. |
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| 94 | A. No, I did not. |
| 95 | Q. Did you ever see her again? |
| 96 | A. No, I did not. |
| 97 | Q. Did you ever see her again? |
| 98 | A. No, I did not. |
| 99 | Q. Did you ever see her again? |
| 100 | A. No, I did not. |



1 he said, "Something will happen to your wife
2 and family."

3 Q. Was Script Mitchell mentioned?

4 A. Yes. They said, "You know what
5 happened to Script Mitchell."

6 Q. I see. "You know what happened to
7 Script Mitchell." What did you understand that
8 to mean?

9 A. Well, Script Mitchell won't be seen
10 any more, I know that.

11 Q. Script Mitchell won't be seen any
12 more?

13 A. Yes, sir.

14 Q. And, did Sam Balson ever discuss
15 Script Mitchell with you?

16 A. No, sir.

17 Q. Well, one thing I notice in the
18 transcript of one of your conversations with
19 Balson, he said, "If you talk you are on your own,
20 and you know what that means." What did you
21 understand by that?

22 A. Well, he told me if I talked I
23 would be charged with bribery.

24 Q. Did you understand anything else
25 besides that, other than a charge being laid?

26 A. That's what he meant, a charge
27 being laid against me.

28 Q. Now, you have told us about one
29 pay-off; did Balson ever tell you about he, Balson,
30 making pay-offs, himself?



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A. Oh, yes.

Q. Now, will you tell us about those; I don't believe we have heard about those yet.

A. Well, one time I was in his car, and I forget now where we parked, and he walked back to another car, and then he came back and he said, "There goes some more dirty money."

Q. "There goes some more dirty money"?

A. Yes.

Q. Would this also be in the spring of '60?

A. Yes, sir.

Q. Did he tell you anything about where the dirty money was going?

A. Well, afterwards -- his conversation was -- to Lamorie and Lawrence.

Q. To Lamorie and Laurence. Was there any other occasion?

A. No, sir.

Q. Well, now, we have heard from Lamorie that he did meet Balson, I believe, outside the Parkway Lanes after he resigned from the Force, and the date given by Mr. Wilson which was accepted or acceded to by the witness was July, 1960. Now, did Balson ever tell you he paid money to Lamorie after Lamorie was off the Force?

A. Yes, sir.

Q. He did?

A. Yes, sir.





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Q. Tell me about that occasion?

A. Well, he told me Lamerie was bleeding him for money, and he was getting fed up, and he was going to have it stopped.

Q. You have told us he was bleeding him for money; was he getting money?

A. Yes, he paid at first.

Q. Pardon?

A. He paid the first two times he asked.

Q. And, were you there when---

A. No.

Q. And, were you anywhere in the vicinity at the time these payments were being made?

A. I don't believe---

Q. Were you not in the Parkway Lane, for example?

A. I believe one time I was.

Q. And, did he tell you about it at the time?

A. He told me on the way home in the car.

Q. Now, he said he was going to fix -- he said he was going to put a stop to it?

A. Stop it.

Q. Did he tell you how he was going to stop these constant demands for money?

A. One time he mentioned he was going to phone McDermott about it.

Q. He was going to phone McDermott about



1 it?

2 A. Yes.

3 Q. And, did Balson tell you then how
4 it was stopped -- He apparently told you it was
5 stopped?

6 A. If I can bring it back now, he said
7 he was going to fool McDermott now, because he
8 said, "He's got more money than I have got, and
9 he can afford it."

10 Q. And it was stopped?

11 A. Yes.

12 Q. Did Balson tell you it was stopped?

13 A. Oh, yes.

14 Q. Did he explain then, at that stage,
15 how it was stopped?

16 A. No, he didn't mention anything.

17 Q. Do you remember approximately when
18 Balson told you it had been stopped? Would it be
19 in 1961?

20 A. No, it was in '60.

21 Q. Sometime after this Parkway Lanes
22 episode?

23 A. It must have been after the end of
24 July -- August or September -- because I left
25 Balson at the end of October.

26 Q. You have had discussions with
27 Balson since then?

28 A. Oh, yes.

29 Q. Not apart from the discussions you
30 have had with him since you have been subpoenaed?



123

A. 100

Q. Now, you know that the book is

is not a copy of the original, but it is

A. It is a copy of the original, but it is

is not a copy of the original, but it is

Q. Now, you know that the book is

A. It is a copy of the original, but it is

Q. Now, you know that the book is

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A. Yes, since Lawrence and Lamerie
resigned, you know.

Q. I see.

A. Once in a while he would see me
getting into the car and he would be in talking
what to do if anything happened.

(page 7258 follows)



1917

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(Page 100)



1 MR. MacKINNON: Q. Never at any
2 time. And I would like you to canvass your
3 memory on this: Did Balsam ever tell you how
4 much in total he had paid these men, or give
5 you an approximation?

6 A. I believe he did, but I can't
7 recall it now.

8 Q. All you can remember is
9 his statement that they were bleeding him white?

10 A. Oh, yes.

11 Q. Now, another question I would
12 like to ask: You mentioned he phoned McDermott,
13 or he told you he was going to phone McDermott.
14 Did he ever, when you were with him, attend
15 meetings in Toronto?

16 A. No sir.

17 Q. To the best of your knowledge?

18 A. Never. I never went anywhere
19 with him outside of St. Catharines.

20 Q. I am not asking if you ever
21 did. Did Balsam ever go away and attend
22 meetings?

23 A. Yes, sir.

24 Q. Where would these be?

25 A. Outside -- A motel outside
26 of Toronto.

27 Q. Would it be the Seaway
28 Motel?

29 A. I couldn't tell you, he never
30



Q. Now, did you see him at any

time, did you see him at any time?

A. Yes, I saw him at the time you saw

him, I saw him at the time you saw him.

Q. Did you see him at the time you saw

him, I saw him at the time you saw him.

A. Yes, I saw him at the time you saw

him, I saw him at the time you saw him.

Q. Did you see him at the time you saw him?

A. Yes, I saw him at the time you saw

him, I saw him at the time you saw him.

Q. Did you see him at the time you saw him?

A. Yes, I saw him at the time you saw him.

Q. Did you see him at the time you saw him?

A. Yes, I saw him at the time you saw him.

Q. Did you see him at the time you saw him?

A. Yes, I saw him at the time you saw him.

Q. Did you see him at the time you saw him?

A. Yes, I saw him at the time you saw him.

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Q. Did you see him at the time you saw him?

A. Yes, I saw him at the time you saw him.

Q. Did you see him at the time you saw him?

A. Yes, I saw him at the time you saw him.

Q. Did you see him at the time you saw him?

A. Yes, I saw him at the time you saw him.



1 mentioned the name.

2 Q. Did he say what the purposes
3 of that meeting was or those meetings?

4 A. No, he just told me he had
5 to go and see the big shots.

6 Q. Did he ever mention who the
7 big shots were?

8 A. No, he never mentioned the
9 names there.

10 Q. Were they Canadian big shots?

11 A. Yes.

12 Q. Were there any American
13 big shots?

14 A. I couldn't tell you because
15 after he came back he never talked about them.

16 Q. It was something to do with
17 gaming and bookmaking, I suppose?

18 A. Yes.

19 Q. Was it parcelling up the area?

20 A. Yes, he was going to have the
21 whole Niagara Falls area.

22 Q. Did he tell you who was to be
23 the operators in the other areas?

24 A. No, he never mentioned the
25 other areas.

26 Q. Do you know a Mr. Tobe?

27 A. Yes, sir.

28 Q. Who is he?

29 A. Albert Tobe. He was the head
30



Q. Did he say what the purpose
of the meeting was in your opinion?
A. He just told me he was
to go and see the big show.
Q. Did he ever mention who the
big show was?
A. No, he never mentioned it.
Q. When they mentioned the show
was it about
A. No, there was no mention
of it.
Q. I don't see how you know
that it was for the show (which was held)
A. It was something to do with
showing and something I remember
the
Q. Was it something up the street
A. Yes, he was going to show the
show house with him.
Q. Did he tell you who was there
on
Q. There is the other person
A. No, he never mentioned the
name.
Q. Was it a big show?
A. Yes, it was.
Q. Who was it?
A. About 1950, he was the first



1 of the Parkdale Club.

2 Q. The head of the Parkdale
3 Club. Is he a bookmaker as well?

4 A. No.

5 Q. What was Sammy Balsam's
6 connection or relationship to Tabe?

7 A. Well, that's where they
8 had the crap game on the Wednesday nights.

9 Q. Did Balsam have some interest
10 in that crap game?

11 A. From what I heard he ran
12 the crap game.

13 Q. You said some men came over
14 from Toronto to bank the game?

15 A. Yes.

16 Q. Were you told or given any
17 indication of how much money was needed to
18 bank the game?

19 A. Around \$60,000.

20 Q. Around \$60,000?

21 A. Yes.

22 THE COMMISSIONER: Q. Who told you
23 that?

24 A. Sam Balsam.

25 MR. MacKINNON: Q. Did you have any
26 indications of how they brought it? Was it
27 brought in a suitcase?

28 A. Yes, little suitcases.

29 Q. Did you ever see these gentlemen
30



THE PROCEEDINGS OF THE

Q. The first of the witnesses

is a witness as well.

A. Yes.

Q. That was Henry Wilson's

statement to the committee?

A. Yes, that was his

statement to the committee.

Q. Did Wilson have any interest

in that case?

A. From what I heard he was

the only one.

Q. Did he have any other

interest in that case?

A. Yes.

Q. Were you told or given any

information of his case before he

was the first?

A. Yes, that was

the first time.

THE EXHIBITS OF THE CASE

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1 from Toronto who were bringing --

2 A. Yes, I was up there the once.

3 Q. Could you identify them if
4 you saw a picture of them, do you think?

5 A. I don't think so. It was
6 a long time ago.

7 Q. Have you ever met Feeley or
8 McDermott face to face?

9 A. I have met Feeley out here
10 yesterday afternoon.

11 Q. Were you introduced to him?

12 A. No, but I saw his picture in
13 the paper enough.

14 Q. You have never met McDermott
15 face to face?

16 A. No, sir.

17 Q. If you say you cannot I can
18 quite understand, but I have a picture here of
19 Joseph McDermott. Would this be one of the
20 bag men?
21

22 A. No, he was not there.

23 Q. He was not there?

24 A. No, he wasn't there.

25 Q. Have you ever met Riggs,
26 Jackie Riggs?

27 A. No, sir.

28 Q. Or Ernie Midgeley?

29 A. No.

30 Q. Did you ever meet John (Pops)



from Toronto and your printing -

A. Yes, I was up there the same.

Q. Could you identify them in

you saw a picture of them, do you think

A. I don't think so, it was

a long time ago.

Q. Have you ever met Kelley in

anyway that is true?

A. I have not today and have

never met him.

Q. Now you mentioned at that

time that I was the person in

the paper about

the time when the

was in the

the

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the

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A. He was not there.

Q. He was not there?

A. He wasn't there.

Q. Have you ever met him?

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1 Papalia?

2 A. Oh, yes, I have seen him.

3 Q. In what connection would you
4 see him?

5 A. We went to Hamilton once
6 and walking up, I forget, one of the main streets,
7 Sam said, "That's Johnnie Papa", and I had
8 already known him and I said, "Yes, I have known
9 him".

10 Q. This was while you were
11 working with Balsom?

12 A. Yes.

13 Q. Did Balsom ever discuss what
14 connections he had, if any, with Papalia?

15 A. No sir, he didn't.

16 Q. Did he ever tell you who,
17 apart from himself, had an interest in the Parkdale
18 Club and this game?

19 A. Well, the big shots from here.

20 Q. McDermott. Anybody else
21 apart from Feeley and McDermott?

22 A. No sir, he never mentioned
23 anybody else.

24 Q. How many times did you go up
25 to the Parkdale Recreation Club?

26 A. Just the once.

27 Q. Just the once. Did Balsom
28 ever tell you that the fix was in so far as that
29 club was concerned?
30



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1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

1994

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1 A. They were trying to put the
2 fix in.

3 THE COMMISSIONER: Q. What is that?

4 A. They were trying to put the
5 fix in.

6 MR. MacKINNON: Q. I see. How long
7 did that club operate? Did they fold right
8 after Police Constable Wright was arrested in
9 May?

10 A. It only went for about four
11 weeks.

12 Q. I see. Did Sammy Balcan
13 ever mention the names Maggaddeno or Magliardotti
14 to you?

15 A. I know who they are. I
16 don't know whether he mentioned them or not.
17 They are the ones from Niagara Falls, New York.

18 Q. Did he ever discuss his
19 connection if any, with the Iannuzzellis in
20 Niagara Falls, Ontario?

21 A. No, sir.

22 Q. Did he ever tell you how he
23 came to get into this business -- this protection
24 racket?

25 A. Well, I think it was through
26 the intervention here because when I first
27 began working for Sam we had no protection against
28 the O.P.P.'s at all. He said, "We have to
29 watch out for them."
30



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1 Q. Did he tell you how the
2 break came?

3 A. No. One day he told me,
4 "I think we are going to be all right here".
5 I said, "How do you mean?" And he said, "I will
6 let you know later", and that is when he told
7 me.

8 Q. Lawrence and Lamorie?

9 A. Lawrence and Lamorie.

10 Q. Did he ever explain to you
11 how he got through to Lawrence and Lamorie?

12 A. No, he did not explain that
13 to me at all.

14 Q. Did he ever suggest to you
15 that he knew Lamorie before Lamorie got on the
16 Police force?

17 A. No, sir.

18 Q. Did you ever discuss Felix
19 Borelli with Nelson?

20 A. No, sir.

21 Q. How about Henry Demorri?

22 A. No, sir.

23 Q. Do you know Henry Demorri
24 from Niagara Falls, Ontario?

25 A. I might know him by another
26 name, if he had a nickname.

27 Q. Do you know Felix Borelli?

28 A. I don't know him. I have
29 talked to him.
30



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T.J. McGroarty 7295

1 Q. Now, you did state you
2 believed Wright had been mentioned?

3 A. Yes, sir.

4 Q. I am wondering if this will
5 help refresh your memory: Was there ever any
6 discussion or mention made by Balsam of the
7 confusion that was arising by having, in effect,
8 two different patches on the police force,
9 or two different informants -- one being
10 Wright and the others being Lawrence and Lamerie -
11 and the conflict that was arising between those
12 two?

13 A. There was something mentioned,
14 I recall, but I can't put in words what it was
15 now.

16 Q. Was it in that connection?

17 A. It was in that connection,
18 that there was a ball up up here, or something.

19 Q. And that was before Wright
20 was arrested?

21 A. That was before he was
22 arrested; that is right.

23 Q. Are you in a position to tell
24 us who the big boss was, either from your own
25 knowledge or from conversations with Balsam,
26 in Niagara Falls, Ontario?

27 THE COMMISSIONER: Did he speak
28 about a big boss in Niagara Falls?

29 MR. MacKINNON: I am asking him.
30



1. The following is a list of the names of the persons who were present at the meeting held on the 1st day of January, 1900, at the residence of the late Mr. John Smith, deceased.

Q. Now, was the list correct?

A. Yes, the list was correct.

Q. And the names were correct?

A. Yes, the names were correct.

Q. Now, was the list of names correct?

A. Yes, the list of names was correct.

Q. Now, was the list of names correct?

A. Yes, the list of names was correct.

Q. Now, was the list of names correct?

A. Yes, the list of names was correct.

Q. Now, was the list of names correct?

A. Yes, the list of names was correct.

Q. Now, was the list of names correct?

A. Yes, the list of names was correct.

Q. Now, was the list of names correct?

A. Yes, the list of names was correct.

Q. Now, was the list of names correct?

A. Yes, the list of names was correct.

Q. Now, was the list of names correct?

A. Yes, the list of names was correct.

Q. Now, was the list of names correct?

A. Yes, the list of names was correct.

Q. Now, was the list of names correct?

A. Yes, the list of names was correct.

Q. Now, was the list of names correct?

A. Yes, the list of names was correct.

Q. Now, was the list of names correct?



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A. I don't believe he ever did.
The only one that was a head one, from talking
to Sam, was Christoff.

Q. Was Christoff?

A. Yes.

Q. Did he ever indicate to you
that the American interests in Niagara Falls,
New York, had an interest on this side of the
line?

A. Oh, yes, that was brought up
a lot of times.

Q. Did he tell you who they were?

A. I can't recall. I don't
know whether he mentioned names or not.

THE COMMISSIONER: Q. What did he
say about it, about the people in Niagara Falls,
New York, about any interest they had in gaming
or bookmaking in Ontario?

A. I can't recall exactly how
he put it. I just knew he mentioned to me
about the Americans were in on it.

MR. MACKINNON: Q. Was this
throughout the Niagara Peninsula?

A. Yes, sir.

Q. That would be the gaming?

A. Yes.

Q. And the bookmaking?

A. And the bookmaking, because
I used to lay off bets over in Niagara Falls, New



Q. I don't believe he ever did.

A. The only one that was a head one, from looking

at him, was that one.

Q. Was that one?

A. Yes.

Q. And he ever indicated to you

that the American interest in Hawaii was

the only one that was a head one?

A. Yes.

Q. Now, that was probably at

a lot of times.

Q. And he said you saw that one

Q. I can't recall. I don't

know where he was when he was

THE COMMENTARY: Q. And did he

say about it, about the people in Hawaii being

new York, about any interest they had in Hawaii

or something in Hawaii?

A. I don't recall anything like

he put it. I don't know he mentioned to me

about the American sense in it.

THE COMMENTARY: Q. And did

anything else come up?

A. Yes, that's all.

Q. And that was the only one?

A. Yes.

Q. And that was the only one?

A. Yes, that's all.

I want to let off with that in Hawaii being



T.J. McGrearty

7297

1 York, with him.

2 Q With whom?

3 A Frank someone. I don't know
4 his last name.

5 Q Was it Schwartz?

6 A I don't know.

7 Q Denny Schwartz?

8 A That might be the name. I
9 thought it was Frank, but I knew I had a phone
10 number over there and he knew who I was and
11 I would just say, "Mickie here", and he would
12 know.

13 THE COMMISSIONER: Excuse me.

14 Q Did you know where that place
15 was in Niagara Falls, New York?

16 A Oh, yes, I was up to the house.

17 Q Tell us where it was in
18 Niagara Falls, New York?

19 A Well, I don't know the
20 names of the streets, but you go over the lower
21 level bridge and up to the main street and right
22 down and turned to your left about a block.

23 Q Was it a private house?

24 A Oh, yes, a private house.

25 MR. MACKINNON: Q. Can you tell
26 us the names of any other bookmakers in the
27 area? You have given us the names of some:
28 McIlwaine, Petrochenko --

29 A Jumbo.

30



Young, with him.

Q. With whom?

A. With him.

his last name.

A. Yes, sir.

A. I don't know.

A. I don't know.

A. What would be his name?

A. I don't know, but I know I had a phone

number given to me by him and I was not

I would just say, "Hello, home", and he would

say,

and I would say, "Hello, home".

A. Yes, sir.

and in the morning, the day

A. Yes, I was up at the house.

A. Tell me where it was in

the morning, the day

A. I don't know.

number of the number, and he was over the house

first thing in the morning and he was over the house

down and turned to see what was going on.

A. I don't know.

A. I don't know.

A. I don't know.

on the basis of my own observation is that

number. You have given me the number of the

number, 177-1777.

A. Yes, sir.



1 Q. Jumbo. Christeff.

2 THE COMMISSIONER: Q. Can you think
3 of any other, Mr. McGrearty?

4 A. I am trying to think of the
5 names.

6 MR. MacKINNON: Q. What about
7 Sebatelli?

8 A. No. He used to phone bets
9 into me. Men would walk in and give him the
10 bets and he would phone them in to me.
11 He wasn't a bookmaker.

12 Q. Where did McIlwaine carry
13 on business?

14 A. Upstairs, in a poolroom, the
15 Tim and Mac Poolroom.

16 Q. What about the Bird Cage?

17 A. Yes, that was run by two
18 old men.

19 Q. Was it also a bookmaking
20 establishment?

21 A. Yes, but I forget their
22 names.

23 Q. Any barber shops?

24 A. There was one barber shop near
25 MacKinnon's and one on Queen Street.

26 Q. You do not know their names?

27 A. Well, they are long Italian
28 names.

29 Q. Incidentally --
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of my other, Mr. Henderson?

A. I am trying to find out.

Q. Now, what is the name of the person who is the owner of the property?

A. The name of the person who is the owner of the property is the name of the person who is the owner of the property.

Q. Now, what is the name of the person who is the owner of the property?

A. The name of the person who is the owner of the property is the name of the person who is the owner of the property.

Q. Now, what is the name of the person who is the owner of the property?

A. The name of the person who is the owner of the property is the name of the person who is the owner of the property.

Q. Now, what is the name of the person who is the owner of the property?

A. The name of the person who is the owner of the property is the name of the person who is the owner of the property.

Q. Now, what is the name of the person who is the owner of the property?

A. The name of the person who is the owner of the property is the name of the person who is the owner of the property.

Q. Now, what is the name of the person who is the owner of the property?

A. The name of the person who is the owner of the property is the name of the person who is the owner of the property.

Q. Now, what is the name of the person who is the owner of the property?

A. The name of the person who is the owner of the property is the name of the person who is the owner of the property.

Q. Now, what is the name of the person who is the owner of the property?

A. The name of the person who is the owner of the property is the name of the person who is the owner of the property.

Q. Now, what is the name of the person who is the owner of the property?

A. The name of the person who is the owner of the property is the name of the person who is the owner of the property.

Q. Now, what is the name of the person who is the owner of the property?

A. The name of the person who is the owner of the property is the name of the person who is the owner of the property.

Q. Now, what is the name of the person who is the owner of the property?

A. The name of the person who is the owner of the property is the name of the person who is the owner of the property.



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THE COMMISSIONER: Excuse me.

Q. When you mentioned MacKinnon;
you meant MacKinnon Industries?

A. Yes.

Q. Was there any method by which
bets were picked up at any of these industries
over there?

A. Oh, yes.

Q. Tell us about that?

A. Well, various parties would
phone me from Thompson's, MacKinnon's, and
that, and give me their name and I would write
it down. They would give me a whole list of
bets. They were responsible for picking up
the money owed, and that, and if we owed them
Sam would take the money to them and they would
pay off the men the next day.

Q. Would they get any commission?

A. Oh, yes, five and ten per cent
commissions.

Q. Five and ten per cent?

A. Yes.

Q. What was the five for?

A. Well, his pals got ten per cent
and the other ones got five per cent; or, I
guess, the more -- the heavier bettors that
phoned in the meat, they got a higher commission.

MR. MacKINNON: Q. Did you --

You kept sheets on this when you were working for



THE COMMISSIONER: Yes, sir.

Q. Now, about the time you were there, was it?

A. Yes, sir.

Q. Now, you were there, was it?

A. Yes, sir.

Q. Now, you were there, was it?

A. Yes, sir.

Q. Now, you were there, was it?

A. Yes, sir.

Q. Now, you were there, was it?

A. Yes, sir.

Q. Now, you were there, was it?

A. Yes, sir.

Q. Now, you were there, was it?

A. Yes, sir.

Q. Now, you were there, was it?

A. Yes, sir.

Q. Now, you were there, was it?

A. Yes, sir.

Q. Now, you were there, was it?

A. Yes, sir.

Q. Now, you were there, was it?

A. Yes, sir.

Q. Now, you were there, was it?

A. Yes, sir.

Q. Now, you were there, was it?

A. Yes, sir.

Q. Now, you were there, was it?

A. Yes, sir.



1 Balsom. These were destroyed, were they?

2 A. After I was arrested.

3 Q. I see.

4 A. All but the days -- They
5 say they had the ones I was arrested --

6 Q. What would Balsom's average
7 daily profit be? You said the weekly total
8 was something like \$3,500. What percentage --

9 A. Some day he would make
10 over a hundred and some day he would make less,
11 but it was always about twenty per cent of the
12 take, the bets taken in, was clear profit.

13 Q. Was it a six day week you
14 were working?

15 A. Yes.

16 Q. Not on Sundays?

17 A. No, not on Sundays.

18 Q. You told us about one threat,
19 and I have gone into that. Have you been
20 threatened subsequently?

21 A. I don't know whether it
22 is a threat or not, but a chap phoned me at
23 home today (sic) and he wanted to talk to me
24 and he said, "You don't know me". And he
25 told me to look out the window and I just
26 walked over to the window and he waved. And
27 he was about my size and he stood there and
28 he said, "I don't want you to contact the
29 Ball".
30



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— 200 —



T. J. McGrouarty

7301

1
2 THE COMMISSIONER: Q. That was not
3 this morning, that was about a month ago?

4 A. Yes.

5 MR. MACKINNON: Q. Has there been
6 anybody else around the place who you can
7 identify, not as police officers, who have been
8 observing you?

9 A. There has been one person.

10 Q Do you know who the person
11 was?

12 A. Yes.

13 Q. Was it a man of Sam Balson's?

14 A. Yes, Vince Hearn.

15 Q. What does he do for a living?

16 A. He does cleaning, he does
17 janitor work in the buildings.

18 Q. Has he any reputation around
19 St. Catharines for a strong arm?

20 A. Oh, yes, an enforcer.

21 Q. An enforcer?

22 A. Yes.

23 Q. Thank you, that is all.

24 THE COMMISSIONER: Any questions?

25 MR. BREWIN: Yes, just one or two
26 questions.

27
28
29
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1931

THE PROSECUTOR

THE PROSECUTOR: I have a question.

THE WITNESS: Yes, I have a question.

THE PROSECUTOR: Yes.

THE WITNESS: Yes, I have a question.

THE PROSECUTOR: Yes, I have a question.

THE WITNESS: Yes, I have a question.

THE PROSECUTOR: Yes.

THE WITNESS: Yes, I have a question.

THE PROSECUTOR: Yes.

THE WITNESS: Yes.

THE PROSECUTOR: Yes.

THE WITNESS: Yes, I have a question.

THE PROSECUTOR: Yes.

THE WITNESS: Yes, I have a question.

THE PROSECUTOR: Yes.

THE WITNESS: Yes, I have a question.

THE PROSECUTOR: Yes.

THE WITNESS: Yes, I have a question.

THE PROSECUTOR: Yes.

THE WITNESS: Yes, I have a question.

THE PROSECUTOR: Yes.

THE WITNESS: Yes, I have a question.

THE PROSECUTOR: Yes.

THE WITNESS: Yes, I have a question.

THE PROSECUTOR: Yes.



1
2 EXAMINED BY MR. BREWIN:

3 Q. Mr. McGroarty, in the transcript
4 of one of the conversations --

5 THE COMMISSIONER: Any time you get
6 tired or do not feel well, just say so.

7 MR. BREWIN: Q. I think it was the
8 transcript of June 11th, 1962. You had a phone
9 call from Mr. Balson. Mr. Balson apparently
10 said:

11 "But anyway, look it, don't forget
12 "what I said, don't talk to anybody
13 "until you go inside "
14 And you said, "Okay"

15 "Balson: Because if you do they're
16 "going to book you right away and
17 "me and everybody and Shootin
18 "Jimmy Jones and everybody else"
19 "Who is "Shootin Jimmy Jones?"

20 A. I don't know, sir.

21 That is a name I think he was just putting in there.
22 not

23 Q. That is an actual christian
24 name?

25 A. No. I don't know any person
26 by that name.

27 Q. That is an expression?

28 A. Yes.

29 Q. The whole group, everybody
30 conceivable. I had not heard it.



1. *Phragmites australis* (Cav.) Trin. ex Steud.

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1 Then, in Constable Scott's reports,
2 made in this matter he reported, under dated
3 of May the 17th, that Laurence and Lamerie had
4 Petrochenko for a patch. He says that Laurence
5 told him that. That would be correct, would
6 it, to your knowledge?

7 A. I don't -- Could you read
8 that again, please?

9 Q. Well, Scott, in his report, --

10 THE COMMISSIONER: Q. Do you know
11 who Scott is?

12 A. Yes, Officer O.P.P.

13 MR. EHEWIN: Q. And he said he had
14 a discussion with Wright and with Laurence,
15 two other police constables, on the 17th of
16 May, and that in the course of that discussion
17 that Laurence, Police Constable Laurence said
18 this, that P.C.'s Laurence and Lamerie had
19 Petrochenko for a patch. I am asking you
20 whether that statement, the fact that Laurence
21 made it, is correct to your knowledge?

22 A. Petrochenko was in on the
23 fix with them, too.

24 Q. Yes. Then, this apparently
25 would also be correct: "Laurence and Lamerie
26 originally went to Samy Balsam to obtain patches?"

27 A. That is correct, sir.

28 Q. That would appear to be also
29 a correct statement, and that is attributed to
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It was in Constable's office that

was in the office at Constable's office

of May the 17th, that Constable and

Constable's office at Constable's office

was in the office at Constable's office

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1 Lawrence. Then, on the 18th of May Lamorie
2 is reported by Scott to have said this, that
3 Lawrence and Lamorie are going to pay Petrochenko's
4 fine. That apparently was a correct
5 statement?

6 A. I heard it.

7 Q. You heard that from Balsom?

8 A. Yes, sir.

9 Q. As far as you know, it took
10 place?

11 A. It took place. I have no idea.

12 Q. Personally?

13 A. No.

14 Q. Just what you heard from
15 Balsom.

16 THE COMMISSIONER: I did not so
17 understand that yesterday.

18 Q. Do you know whether Balsom
19 paid Petrochenko's fine?

20 A. No, I couldn't say, sir.

21 MR. BREWIN: Q. You do not know
22 whether Lawrence and Lamorie repaid it to
23 anybody?

24 A. No, but that's what Balsom told
25 me one day in the car. It was their fault and
26 they were going to have to pay the shot.

27 Q. They were careless and did
28 not give a tip-off?

29 A. Yes.



710

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1 Q. And that resulted in the
2 conviction, and it was their fault in not
3 giving the tip-off and they were going to take
4 the responsibility. Is that the idea?

5 A. That is right.

6 Q. Then, it is reported on
7 May the 19th, that Balsem pays Laurence and
8 Lamorie \$200 each per month. Would that --
9 Is that what you said here?

10 A. No, I said \$500. That would
11 be \$250 each.

12 Q. I see. And it is stated
13 McDermott paid Balsem \$500 a month, but you
14 do not know about that?

15 A. No, I don't know anything
16 about that at all.

17 Q. And I am interested in the
18 evidence that you gave, that in the discussions --
19 I think perhaps it is one of these transcripts,
20 or it may be in the evidence you gave yesterday -
21 that seven individuals - this was your
22 discussion with Mr. Balsem as I understand it -
23 seven individuals were going to deny -
24

25 A. Everything.

26 Q. -- everything?

27 A. That is right, sir.

28 Q. And you were to be one of
29 the seven?

30 A. Yes, sir.



Q. And this is the first time...

...the first time...

...the first time...

...the first time...

A. That is right.

Q. Then, is it reported on...

...the first time...

...the first time...

...the first time...

Q. No, I don't know.

...the first time...

A. I don't know.

...the first time...

...the first time...

A. I don't know.

...the first time...

Q. And I am interested in the...

...the first time...

...the first time...

...the first time...

...the first time...

...the first time...

...the first time...

A. Yes.

...the first time...

A. That is right.

Q. And you are sure...

...the first time...

...the first time...



1 Q. Sam Balsom was trying to
2 persuade you to make sure you were one of the
3 seven?

4 A. Yes, sir.

5 Q. And as a result of that,
6 Scott was going to be in trouble?

7 A. That is right, sir.

8 Q. Presumably his word would
9 not be believed. Is that the idea?

10 A. That is the idea, sir.

11 Q. The seven were McDermott,
12 Feeley and Wright --

13 A. Lamerie, Lawrence, Balsom
14 and myself.

15 Q. We have already had three
16 of them, Lamerie, Lawrence, Balsom and Wright,
17 four of them. That part has apparently worked
18 out?

19 A. Yes.

20 Q. You are the one that has
21 spilt it because you did not carry out the
22 suggestion of denying it?

23 A. No.

24 Q. Thank you.

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THE UNIVERSITY OF CHICAGO PRESS



T.J. McGroarty

7307

EXAMINED BY MR. ROSE:

Q. Mr. McGroarty, when was it you began working for Balson?

A. In the fall of 1958.

Q. Did I gather from your evidence you were working alone with a sheet with Balson and being paid a commission?

A. No, he was paying me a salary.

Q. How much was that salary?

A. \$40. to start.

Q. And that worked up to \$70.?

A. \$70. and \$100. once in a while when we had a good week.

Q. Did you have any other employment at that time?

A. No, sir.

Q. This was your sole means of livelihood?

A. Yes.

Q. Were you writing sheet for anyone else at that time?

A. No, sir.

Q. It was in the spring of 1960, I believe, that this episode concerning the green panel truck and the \$500 took place?

A. It was in the winter time.

Q. I took you down as saying March or April?

A. Yes, it was in the winter.



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1 Q. That would be after the
2 1st of January, 1960?

3 A. Oh, yes, it was -- .

4 Q. After that incident took
5 place, did you have occasion, between then and
6 the end of 1960, to report this incident to
7 any police officer or to any other person?

8 A. No, sir.

9 Q. You did not discuss it with
10 anybody at all?

11 A. No, sir.

12 Q. When was it you were arrested
13 and convicted of bookmaking?

14 A. October, 1960.

15 Q. And you had some prior
16 arrangement, evidently, with Balsam that in the
17 event you were arrested and convicted, he was
18 to take care of you or fix you up?

19 A. Yes.

20 Q. What was that arrangement?

21 A. He said when he told me that --
22 I said, "what do you mean?" He said, "You will
23 get four or five hundred dollars."

24 Q. And I gather you did not get
25 four or five hundred dollars?

26 A. I got a jacket.

27 Q. Pardon?

28 A. He gave me a jacket.

29 Q. What kind of a jacket?

30 A. A \$19. one.



Q. That would be after the

the of January, 1968

A. Oh, yes, it was --

Q. After that incident was

closed, did you ever speak to anyone about it?

Q. Yes, in fact, in fact, I

was called out to go to the hospital

Q. Was it?

Q. You did not discuss it with

anybody at all?

A. No, sir.

Q. When was it you were arrested?

Q. I was arrested at the

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1 Q. You were a little annoyed
2 about that?

3 A. Yes, sir.

4 Q. Did I understand you
5 correctly yesterday when you said you severed
6 your relationship or connection with Balsoon
7 shortly after that time?

8 A. Well, after I was convicted
9 we fought nearly every day. I worked for him.
10 We were always arguing.

11 Q. What were you arguing about?

12 A. The book was losing money,
13 and this and that.

14 Q. Any discussion at all about
15 you making any errors in the sheets?

16 A. One time I had an insulin
17 reaction and I wasn't able to fix up the sheet
18 right and he was mad.

19 Q. Did that only occur once?

20 A. Only once.

21 Q. And I presume you were also
22 doing a little bit of fighting about the fact
23 he had not fixed you up?

24 A. Oh, yes, I asked him for
25 that.

26 Q. When did you part company?

27 A. It was the end of October
28 or the first part of November, 1960.

29 Q. And I gather at that time
30



Q. You were a little nervous

about that?

A. Yes, sir.

Q. And I understand you

immediately perceived what was the danger

from the position of the car at that time

because of the time of day

A. Well, after I was convinced

as I might have been, that I was in danger

of some kind of accident.

Q. And when you perceived that

A. The door was being swung

and into the car.

Q. And disengaged of all power

the engine and power to the wheels

A. Yes, sir, I did so.

immediately and I wasn't able to let up the door

right away he was not.

Q. Did you only come over

A. Yes, sir.

Q. And I thought that was all

doing a little bit of looking about the door

in the meantime, I was

A. Yes, sir, I was in the car

Q. And the door was

A. Yes, sir, I was in the car

Q. It was the end of the door

on the back part of the car, I was

A. Yes, sir, I was in the car



1 you were still somewhat upset with him?

2 A. No -- Well, the day I
3 parted with him I was working for him on the
4 phone.

5 Q I see.

6 A. And a man had hit us for
7 a win of, I think, about \$300 the day before
8 and I told him on the phone and he blew up
9 and I walked out.

10 Q. And that was the end of the
11 relationship?

12 A. Yes.

13 Q. Had you spoken to him from
14 October, 1950, to the end of 1951? Did you
15 ever go back and ask him for the money you were
16 supposed to get?

17 A. No. He came up to my house
18 and he wanted me to go back to work for him
19 and I wouldn't.

20 Q. And I gather after you
21 parted company or severed connections you never
22 mentioned anything to the police after that
23 time or up until the last few weeks about
24 that incident of the green panel truck and the
25 \$500?

26 A. I can't recall exactly when
27 I mentioned it to them.

28 Q. Was it within the last two or
29 three months?
30



you have still something of that with him

A. No -- well, not any

portion with him I was working, but he on the

phone.

Q. I see.

A. And a man had him on the

at the way I talked, and the way he

and I went out, and he was up

and I walked out.

Q. And that was the end of the

relationship

A.

Q. And you worked in the town

October, 1960, to the end of 1961, did you

work in that and did you know the man you were

supposed to get

Q. Yes, I went up to the house

and he wanted me to go back to work for him

and I wouldn't.

Q. And a person from the

person coming on board, and then you

continued working at the place after that.

Q. Time or up until the last few weeks when

that incident at the house took place, did you

know

Q. I don't recall exactly when

I mentioned it to them.

Q. And it wasn't for Jack the son

of the house.



T.J. McGrearty

7311

1 A. No, no. It was before that,
2 sir.

3 Q. Wasn't it the -- As a matter
4 of fact you mentioned it early in 1961?

5 A. That is what I mean, before
6 the three months.

7 Q. Over a year ago?

8 A. Over a year ago; yes, sir.

9 Q. Who did you mention it to?

10 A. Detective Brian and
11 Richardson.

12 Q. Is that the detective
13 Richardson who gave evidence here today?

14 A. Yes, sir.

15 Q. And Detective Brian from
16 where?

17 A. St. Catharines.

18 Q. Was that as a result of them
19 coming to interview you?

20 A. Yes.

21 Q. And did you give them a
22 written statement about Lawrence and Lamorie?

23 A. They took it all down.

24 Q. Did you sign it?

25 A. No, sir.

26 Q. Did you tell about Balsom
27 coming into the house to the detectives?

28 A. Yes, sir.

29 Q. And your wife being there?
30



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A. Yes sir.

Q. And about you and your wife putting the envelope in the panel truck?

A. No, sir.

Q. And did the police tell you to hold yourself in readiness to be subpoenaed to give evidence at the first trial of Feeley and McDermott?

A. No, sir.

Q. Did you just have the one interview with the police about this incident?

A. Up until a month ago. They were up at my home again.

THE COMMISSIONER: Q. Detectives Richardson and -- ?

A. Brian.

Q. Was he a detective?

A. Detective Sergeant.

MR. ROSE: Q. So the police in St. Catharines have known about this incident for well over a year?

A. Yes, sir.

Q. When did they come up and see you again?

A. About a month ago.

Q. About the middle of May?

A. Yes.

Q. Who came to see you?

A. Detective Brian and Richardson.



The first

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1
2 MR. MACKINNON: They told him he
3 would have to go up before the O.P.P.'s.

4 MR. ROSE: Q. Before the O.P.P.'s?

5 A. Yes, sir.

6 Q. Where, in Toronto?

7 A. Yes, sir.

8 Q. Did they have a warrant for
9 you?

10 A. No, sir.

11 Q. They just wanted to question
12 you?

13 A. Yes, sir.

14 Q. Did you go to Toronto?

15 A. No, sir, they were at
16 Prudhomme's Hotel.

17 Q. Who were?

18 A. Constable Moore and -- he
19 was there the first time.

20 THE COMMISSIONER: Q. Moore and some
21 other Provincial officer?

22 A. Yes, sir.

23 MR. ROSE: Q. Prudhomme's Hotel,
24 that is on the Queen Elizabeth Way?

25 A. Yes, sir.

26 Q. And you had the meeting there?

27 A. Yes, sir.

28 Q. And Detective Brian and
29 Richardson came along, too?

30 A. Yes.



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1 Q. And they wanted to have a
2 talk to you?

3 A. Yes, sir.

4 Q. What did they want to talk
5 about?

6 A. About that incident of
7 putting the money in the truck.

8 Q. And I presume you told them
9 the statement you gave them about a year
10 ago was quite correct?

11 A. Yes, sir.

12 Q. Was there anything else
13 discussed?

14 A. They asked me if I was
15 subpoenaed.

16 Q. They asked you if you were
17 subpoenaed?

18 A. I forget how they put it.
19 They told me I would be subpoenaed and to tell
20 the same thing on the stand, the truth.

21 Q. They told you you would be
22 subpoenaed before this Royal Commission?

23 A. Yes.

24 Q. And you were to tell the same
25 thing?

26 A. Yes.

27 Q. The same thing as what?

28 A. The truth.

29 Q. About what?
30



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A. About bribery.

Q. That is, the incident you reported a year before?

A. Yes, sir.

Q. Did they have the statement with them at the time?

A. It wasn't out at all.

Q. Pardon?

A. It wasn't brought out at all so I can't tell you if they had it or not.

Q. What else did you talk about?

A. Gambling, and that's all.

Q. Were you doing any bookmaking at this time, or writing sheet?

A. No, sir.

Q. You have a legitimate job at this time?

A. No, sir.

Q. You are unemployed?

A. Yes, sir.

Q. How long have you been unemployed?

A. Two years now, sir.

Q. What are you living on?

A. St. Catharines.

Q. What are you living on?

A. We are on Welfare.

Q. You have been living on Welfare the last two years?

[illegible]



1 A. Well, I do the odd work
2 at the poolroom, Baz Hansen's.

3 Q. What do you do there?

4 A. Backing up the tables.

5 Q. That is the joint you
6 mentioned there was some bookmaking going on
7 in the poolroom?

8 A. That is where I started.

9 Q. There is still bookmaking
10 there?

11 A. Nobody is.

12 Q. You cannot make a bet in
13 St. Catharines?

14 A. No, sir.

15 Q. You are living solely on
16 welfare?

17 A. Yes, sir.

18 Q. You are not writing a sheet?

19 A. No, sir.

20 Q. This meeting, was it May the
21 18th, in Frudhomme's Hotel?

22 A. I don't know when it is
23 exactly.

24 Q. Around the middle of May,
25 anyway?

26 A. Around the middle.

27 Q. Did they tell you anything
28 else, other than you were to be subpoenaed
29 before the Royal Commission?
30



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1 A. No, sir.

2 Q. Did you have any other
3 conversation with Police officers between that
4 date and the 1st of June?

5 A. Yes, they told me I was going
6 to be all wired up.

7 Q. When did they tell you that?

8 A. The latter part of May,
9 I believe. No, before the latter part of May.

10 Q. Where did this conversation
11 take place?

12 A. Prudhomme's, too.

13 Q. Who told you this?

14 A. It was -- Moore was there
15 and two other officers, special officers.

16 Q. I see. Detective Brian
17 and Richardson, did they go down with you
18 again?

19 A. Yes, sir.

20 Q. Did you know why you were
21 going down there?

22 A. No, sir.

23 Q. You went into Prudhomme's
24 and the meeting was in some room?

25 A. Yes.

26 Q. As soon as you went in
27 did they say, "You are going to be all wired
28 up"?

29 A. They asked me, "Do you
30



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mind if we wire you up?" And I didn't know what they meant and they explained how I would have a microphone and the battery, here (indicating), and they would be around all the time listening.

Q. But did you give them your permission?

A. Yes.

Q. Why?

A. I had nothing to lose over it.

Q. You were just neutral, you could not care less about it?

A. That's it.

Q. You had nothing to lose?

A. No, sir.

Q. Did you have anything to gain?

A. No, sir.

MR. WILSON: I do not know whether Mr. Rose is representing Feeley and McDermott in this cross-examination, or the gambling industry at large. I suggest there is no right to cross-examine in the way in which he has been in the last few questions.

THE COMMISSIONER: I wondered myself about it.

MR. ROSE: With respect, Mr. Commissioner, this witness, in response to certain questions given to him by Mr. MacKinnon, has mentioned the name of Feeley.

THE COMMISSIONER: That is right.



and if we give you any? and I didn't know

and they would not have believed me I could

have a relationship with the doctor, that [unclear]

and they would not believe me I could

Q. Did you give them any?

A. Yes.

Q. Yes.

A. Yes.

Q. I am talking to you now.

A. Yes, that's correct.

Q. Will you give them any?

A. Yes.

Q. Yes, that's correct.

A. Yes.

Q. Yes, that's correct.

A. Yes.

Q. Yes, that's correct.

Q. Now, is there anything else you want to say?

A. Yes, there is.

Q. Now, is there anything else you want to say?

A. Yes, there is.

Q. Now, is there anything else you want to say?

A. Yes, there is.

Q. Now, is there anything else you want to say?

A. Yes, there is.

Q. Now, is there anything else you want to say?

A. Yes, there is.

Q. Now, is there anything else you want to say?

A. Yes, there is.



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MR. ROSE: And McDermott.

THE COMMISSIONER: Mr. Rose, you are quite entitled to cross-examine, but there must be some limit to it. He said he ^{was} quite willing to be wired up, as he put it.

MR. ROSE: He says he had nothing to lose about it. I just want to ask him:

Q. Did you have anything to gain by it?

A. No, they didn't promise me anything.

Q. You were just completely neutral in the matter?

A. Yes, sir.

Q. All right, thank you.

THE COMMISSIONER: Any other questions?

MR. WILSON: I wonder if Mr. Keenan wants to ask him any questions?

MR. KEENAN: I have no questions.

MR. WILSON: I have no further questions.

THE COMMISSIONER: I have something to say.

Q. You told me something about threats that had been made?

A. Yes, sir.

Q. That you regarded as threats?

A. Yes, sir.

[illegible]



Q. Perhaps, it might be well if I say this to you, that in my opinion the best insurance you could have against anyone carrying out threats is the insurance that you have provided yourself by coming here and giving your evidence in public. They know now you have given your evidence and there is much less likelihood of any harm coming to you now than there was before you got here. Do you understand that?

A. Yes.

Q. And what I say with respect to you will apply to anyone in a like position.

That is all, thank you.

MR. WILSON: That is all, thank you.

---The witness withdraws.



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S. Balson

7321

1 MR. WILSON: We will recall Mr.
2 Balson.

3 THE COMMISSIONER: Let me have
4 Exhibit 192.

5
6
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10
11 SAMUEL BALSON, recalled:

12 THE COMMISSIONER: Q. Mr. Balson,
13 you are still under oath. Do you understand
14 that?

15 A. Yes, sir.

16
17
18
19 BY MR. MacKINNON:

20
21 Q. Witness, since you were last
22 here we have had, and I am sure you are aware
23 of it, some very interesting evidence. You are
24 aware of that fact, aren't you?

25 A. I read the papers.

26 Q. And you were aware of the
27 fact there were tape recordings made of your
28 interviews with Mr. McGroarty?

29 A. Yes, sir.

30 Q. And that there were police



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THE UNITED STATES OF AMERICA
DISTRICT COURT OF THE DISTRICT OF COLUMBIA

IN RE: THE ESTATE OF JAMES EARL RAY, JR.
DECEASED

JOHN EDGAR HOOVER, JR.,
Special Agent in Charge, Federal Bureau of Investigation,
United States Department of Justice,

Plaintiff,
vs.

THE UNITED STATES OF AMERICA,
Defendant.

JOHN EDGAR HOOVER, JR.,
Special Agent in Charge, Federal Bureau of Investigation,
United States Department of Justice,

Plaintiff,
vs.

THE UNITED STATES OF AMERICA,
Defendant.

JOHN EDGAR HOOVER, JR.,
Special Agent in Charge, Federal Bureau of Investigation,
United States Department of Justice,

Plaintiff,
vs.

THE UNITED STATES OF AMERICA,
Defendant.

JOHN EDGAR HOOVER, JR.,
Special Agent in Charge, Federal Bureau of Investigation,
United States Department of Justice,

Plaintiff,
vs.

THE UNITED STATES OF AMERICA,
Defendant.

JOHN EDGAR HOOVER, JR.,
Special Agent in Charge, Federal Bureau of Investigation,
United States Department of Justice,

Plaintiff,
vs.



1 officers present?

2 A. Yes, sir. I can explain it.

3 Q. Are you prepared to alter
4 your testimony from yesterday? I am giving you
5 that opportunity now.

6 A. No. I could explain it.

7 Q. You are going to explain it?

8 A. Yes. First, I would like to
9 have my lawyer ask this one question for me.

10 That is, about the --

11 THE COMMISSIONER: Q. Just a moment.

12 A. Oh, I thought you wanted me to
13 explain it?

14 THE COMMISSIONER: Do you want to say
15 something, Mr. Keenan?

16 MR. KEENAN: My lord, I feel that
17 under these rather unusual developments, in this
18 matter, I was wondering if it was incumbent
19 on me in open court to advise Mr. Balson again,
20 and that has been my only capacity acting in this
21 matter, to advise him that -- of his
22 compellability and the compulsory nature
23 of any evidence by him if, because your lordship
24 has ruled subject to Feeley, and that he does
25 not have the common law right to refuse to
26 incriminate himself. I am just wondering
27 if I should explain it to him that, subject to
28 being committed by your lordship for contempt,
29 he could invoke that common law right pending
30





1 disposition of that appeal.

2 I feel that I would be remiss if
3 I did not say, in accordance with your direction,
4 I have not spoken with Balson, except for a
5 brief moment this morning.

6 I believe that is the matter he was
7 about to speak about and it was completely
8 irrelevant. I felt I should be on the record
9 as advising him of that.

10 THE COMMISSIONER: Advise him of that?

11 x MR. KEENAN: That he can refuse to
12 answer, subject to being committed for contempt
13 of court.

14 THE COMMISSIONER: That is right; he
15 runs that risk.

16 MR. KEENAN: And, further, that is the
17 only purpose of my being here. I advised him of
18 that. He knows that I was here only on the
19 question of his compellability and the admissibility
20 of the evidence.

21 THE COMMISSIONER: Well, I have heard
22 what you say. Your remarks are rather
23 directed to the witness and slanted to me.

24 MR. KEENAN: My lord, I have read some
25 law on the question of privilege and it would
26 appear that it is the witness who must claim this
27 privilege, but I would think that there would
28 be no point in my being here and no point in
29 having the Bill of Rights specifically
30



Statement of the witness.

I testify that I was in the room at

I did not see, in connection with the case.

I have not spoken with anyone, except for a

brief moment with the witness.

I believe that is the only way to see

about the person who was in the room.

At present, I feel I should be in the room

as advised by the court.

THE COURT: I will now ask you

if you can tell me

whether you saw the person who was in the room

at that time.

THE COURT: Now I want to

ask you

if you saw the person who was in the room

only because of my own name. I know that

name. He says that I was there only on the

question of his responsibility and his testimony

of the evidence.

THE COURT: Well, I have heard

that you saw the person who was in the room

because he was with the person who was

THE COURT: Now, I want to ask you

how on the question of your name and the name

appears that is in the record and the name who

privately, and I want to know what the name

is on the record in the record and the name is

THE COURT: Now I want to ask you



1 set forth the fact that an accused, including
2 before a Board or Commission of this nature,
3 is entitled to be represented by counsel to
4 obviate the difficulties which occurred in the
5 1945 and 1946 cases. I feel I should advise
6 him now before he answers any of Mr. MacKinnon's
7 questions that he has that right, to refuse to
8 answer, subject to your lordship committing
9 him for contempt. I have also advised him
10 of this previously.

11 THE COMMISSIONER: I do not think
12 he has the right. If he refuses, he would
13 be committing this because when he has not the
14 right he is subject to being committed.

20 (Page 7325 follows)





1/nc

S.Haleon

7325

1 MR. KEEMAN: Your lordship, of
2 course, this is an unusual situation, and I have
3 never encountered it before.

4 I do not know what the situation
5 would be if it was a civil trial, or in an
6 ordinary criminal proceeding where yourself,
7 my lord, or someone else's ruling was under
8 consideration, or there was a higher tribunal
9 pending while the witnesses were called,
10 who were taking the same exception as
11 previous witnesses have taken, and when the
12 matter is under consideration.

13 THE COMMISSIONER: At the present
14 stage, the highest court in this Province has
15 decided the matter. I understand what you
16 say. I understand what you say.

17 Go ahead, Mr. MacKinnon.

18 MR. MacKINNON: Q. Will you answer
19 my questions . . .

20 THE COMMISSIONER: You better put
21 them categorically.

22 THE WITNESS: I am here to answer
23 questions.

24 MR. MacKINNON: Q. Did I understand
25 you to say yesterday that you owned your own
26 home, the home you are living in?

27 A. I don't own it, no, sir.

28 Q. Why did you tell us you owed
29 your sister for taxes on it? It is your sister's
30

[illegible]



1 home, is it?

2 A. Yeh.

3 Q. What is the reason for you
4 stating that you owed her for taxes?

5 A. Because that is the only way
6 that I could help out, help her with some part
7 of the rent, or in helping her, give her.

8 Q. When was the house purchased?

9 A. I would say about seven or
10 eight years ago, approximately.

11 Q. You say you had no part
12 of any payment for the purchase of the house,
13 on the purchase price of the house?

14 A. Down payment?

15 Q. Any part of the payment on that
16 house?

17 A. Oh, sure. I put money into
18 it, because, as readily as I could, to help her.
19 She helped me with the down payment, and I
20 helped her.

21 Q. Why is it in her name?
22 Why is it in her name?

23 A. It is her house.

24 Q. Have you made a gift of it
25 to her?

26 A. It is her house.

27 Q. You said she helped you with
28 the down payment. You made part of the down
29 payment on the house?
30



Page 10

1. The first question is...

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27. The twenty-seventh question is...

28. The twenty-eighth question is...



1 A. I paid it as rent.

2 Q. Did you make a down payment?

3 Listen to the question, now, you paid some part
4 of the down payment, is that correct?

5 A. Yes, I helped her.

6 Q. To what extent?

7 A. To write off that. I don't
8 know.

9 Q. Ninety per cent of the down
10 payment?

11 A. I can't say what it was.

12 THE COMMISSIONER: How much was the
13 down payment?

14 A. Right now, I don't know.

15 MR. BACKLUND: Q. Are there any
16 mortgages on it?

17 A. Not right now.

18 Q. And who paid those off?

19 A. As little as I could, I paid,
20 like rent, to help pay it off.

21 Q. You made all the payments on
22 those mortgages, didn't you?

23 A. No, oh, no. Not all.

24 Q. How much was paid for that
25 house, do you know?

26 A. 1050.

27 Q. And was there a mortgage on
28 the house when you bought it?

29 A. No sir.
30





S. Balson

7328

1

Q. And you own a car?

2

A. Yeh, a Hillman.

3

Q. And that is in your wife's

4

name?

5

A. Yes.

6

Q. And you drive a 1962 Chev.?

7

A. Yes sir.

8

Q. And whose name did you put

9

that one in?

10

A. That is my sister's.

11

Q. Oh, that is your sister's.

12

What does your sister do for a living?

13

A. My sister has remarried again.

14

She had a death. She got that money from the insurance from the death.

15

16

Q. This is a 1962 motor vehicle?

17

A. She helped me out. We drive

18

the blind kids back and forth to Brantford.

19

Q. She helped you out?

20

A. Yes sir.

21

Q. In buying the car?

22

A. The first car.

23

THE COMMISSIONER: Q. When was the

24

death you speak of?

25

A. Her husband died.

26

Q. How long ago?

27

A. And the insurance money

28

Q. How long ago?

29

A. 1959 or '60 -- no, 1948, 1949.

30



| | | |
|----|--|------------------------|
| 1 | Q. What was the name of the person who was with you at the time of the shooting? | A. I don't know. |
| 2 | Q. Did you see anyone else at the scene? | A. No, I didn't. |
| 3 | Q. How long did you stay at the scene? | A. About five minutes. |
| 4 | Q. Did you see any weapons or anything like that? | A. No, I didn't. |
| 5 | Q. Did you see any blood or anything like that? | A. No, I didn't. |
| 6 | Q. Did you see any other people around the area? | A. No, I didn't. |
| 7 | Q. Did you see any other vehicles or anything like that? | A. No, I didn't. |
| 8 | Q. Did you see any other people or anything like that? | A. No, I didn't. |
| 9 | Q. Did you see any other vehicles or anything like that? | A. No, I didn't. |
| 10 | Q. Did you see any other people or anything like that? | A. No, I didn't. |
| 11 | Q. Did you see any other vehicles or anything like that? | A. No, I didn't. |
| 12 | Q. Did you see any other people or anything like that? | A. No, I didn't. |
| 13 | Q. Did you see any other vehicles or anything like that? | A. No, I didn't. |
| 14 | Q. Did you see any other people or anything like that? | A. No, I didn't. |
| 15 | Q. Did you see any other vehicles or anything like that? | A. No, I didn't. |
| 16 | Q. Did you see any other people or anything like that? | A. No, I didn't. |
| 17 | Q. Did you see any other vehicles or anything like that? | A. No, I didn't. |
| 18 | Q. Did you see any other people or anything like that? | A. No, I didn't. |
| 19 | Q. Did you see any other vehicles or anything like that? | A. No, I didn't. |
| 20 | Q. Did you see any other people or anything like that? | A. No, I didn't. |
| 21 | Q. Did you see any other vehicles or anything like that? | A. No, I didn't. |
| 22 | Q. Did you see any other people or anything like that? | A. No, I didn't. |
| 23 | Q. Did you see any other vehicles or anything like that? | A. No, I didn't. |
| 24 | Q. Did you see any other people or anything like that? | A. No, I didn't. |
| 25 | Q. Did you see any other vehicles or anything like that? | A. No, I didn't. |
| 26 | Q. Did you see any other people or anything like that? | A. No, I didn't. |
| 27 | Q. Did you see any other vehicles or anything like that? | A. No, I didn't. |
| 28 | Q. Did you see any other people or anything like that? | A. No, I didn't. |
| 29 | Q. Did you see any other vehicles or anything like that? | A. No, I didn't. |
| 30 | Q. Did you see any other people or anything like that? | A. No, I didn't. |



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MR. MACKINNON: Go on, witness.

A. That is all. That is it.
1949.

Q. You tripped yourself up on
that one?

A. Really tripped up. That is
it.

Q. That is it?

A. That is it.

Q. That is it?

A. That is it.

THE COMMISSIONER: Are you chewing
gun?

A. No sir.

Q. What is in your mouth?

A. I am sucking on a life saver.

MR. MACKINNON: Q. You do not have
to take pills? That is not a pill?

A. No sir.

Q. So, it is thirteen years ago
when your brother-in-law died, and she is now
getting insurance money, thirteen years after,
out of which she bought you a car? Is that
your story, or do you want to think up another
one?

A. That is not my story.

Q. What is it?

A. She helped me buy a car, a
1956 DeSoto, because I drive my daughter back and



909 847 6212 911 847 6212



1 forth to Brantford, plus four other people.
2 Every week we pick them up and take them back.
3 I couldn't do that with a Hillman. She helped
4 me, and all my sisters helped me.

5 Q What year is the Hillman?

6 A About 1958 or something, I
7 don't know.

8 Q. But this is 1956, 1956?

9 A Yes.

10 Q. That couldn't be.

11 A. We had an Austin, a little
12 old Austin then.

13 Q. You had a little old Austin?

14 A. Uh, huh.

15 Q. When did you trade in the
16 DeSoto?

17 A. Last year.

18 Q. You had it for four years,
19 did you, or so?

20 A Well, I don't remember.

21 Q. You had nothing between 1956
22 and 1962, is that right, except the DeSoto?

23 Is that right? In 1956 you had the DeSoto?

24 A. And then the Chevy.

25 Q. You had no cars in between
26 these two cars?

27 A We had the old Austin, and
28 the Hillman.

29 Q. Apart from them, apart from
30 those two, you had in your wife's name, they



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These two, you had in your work's name, and

0. About these things, of course, I

1. He had the red notebook, and

showed the copy

2. You had no more in evidence.

3. And there she lived.

4. In her room? Or had you put her behind

5. and kept, in that tight, empty room the door.

6. The two women seemed like

7. All that was left

8. The door to the front house.

9. Just then.

10. Perhaps

11. They had just come to the

12. entrance.

13. You had a license and a key.

14. All these things.

15. He had his license, a license

16. that couldn't be

17. lost.

18. And that is what they

19. found.

20. They had the license, the

21. license that he had.

22. That was the only thing

23. that was left behind him.

24. A license, an old license, a license

25. that was not his but was his.

26. There is something, and that is the



1 were in your wife's name -- don't you believe
2 in having anything in your own name?

3 A. Certainly. Why not?

4 Q. Do you have any other property?

5 A. I have a small bank account,
6 and I had the trade of the Stainless Steel.

7 Q. What is that?

8 A. That is a little bit of a
9 business I had.

10 Q. Do you own any property in
11 your own name?

12 A. I have not any property.

13 Q. In your own name?

14 A. I haven't any property.

15 Q. In your wife's name? Has she
16 any property in her name?

17 A. I don't think so.

18 Q. You know, witness. You start
19 thinking?

20 A. I thought.

21 Q. And are you saying that she
22 has not got any property in her name?

23 A. She has not.

24 Q. Not any?

25 A. No, she has the cars? You
26 call that property?

27 Q. I call it - apart from the
28 cars?

29 A. Real estate, you mean real
30



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1 estate?

2 Q. Real or personal property,
3 apart from her clothing?

4 A. She has the car.

5 Q. She has the car?

6 A. I explained that.

7 Q. Apart from the car?

8 A. I already explained that to
9 you. No, she has nothing in her name that
10 I know of. If she does, I don't know about it.

11 Q. She is not working, is she?

12 A. My wife?

13 Q. Yes?

14 A. She is a housekeeper. She
15 is pregnant.

16 Q. And she is not earning any
17 money on her own, and you would know where her
18 money come from, you would be giving it to her?

19 A. I would say so, what little
20 we have.

21 Q. Now, you stated that you
22 were facing a lottery charge and you were deported
23 from the United States. What was that lottery
24 charge?

25 A. Well, it is like a numbers
26 game

27 THE COMMISSIONER: Is it the numbers
28 game?

29 A. Yes, it is. I got picked
30



QUESTIONS

Q. Now on property property.

ANS. Yes, I have.

Q. How long has it been?

ANS. One year and six months.

Q. How long has it been?

ANS. About three years.

Q. I know you are not a lawyer.

ANS. No, I am not a lawyer.

Q. I know you are not a lawyer. I know you are not a lawyer.

ANS. Yes, I am not a lawyer.

Q. How long has it been?

ANS. About three years.

Q. I know you are not a lawyer.

ANS. Yes, I am not a lawyer.

Q. How long has it been?

ANS. About three years.

Q. I know you are not a lawyer.

ANS. Yes, I am not a lawyer.

Q. How long has it been?

ANS. About three years.

Q. I know you are not a lawyer.

ANS. Yes, I am not a lawyer.

Q. How long has it been?

ANS. About three years.

Q. I know you are not a lawyer.

ANS. Yes, I am not a lawyer.

Q. How long has it been?

ANS. About three years.



S. Balson

7333

up by the police for betting on numbers, and
I had a slip on me.

MR. MACKINNON: Q. Were you tried
and then shipped out of the country?

A. I was fined and then they
departed me.

Q. And were you convicted?

A. Yes.

Q. So you are not facing it,
you have already faced it, and you got a
conviction?

A. I said this. I said it.

Q. You said you were facing it.
You were tried on that charge?

A. Yes sir.

Q. And you were convicted?

A. Yes.

Q. And is that your only conviction
in the United States?

A. Yeh, the only one, sir. That
is all, sir.

Q. I am going back a few years.
Can you tell me, approximately, when and where
you met Joseph McDermott?

A. I can't. It is so long ago.
I can't say. Twelve or thirteen years, anyway,
on the race track.

Q. On the race track?

A. Yeh.



1875

[Faint, illegible text at the bottom of the page]

THE 1919-20 DUES

There are only 1000 people in the village and the

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1 Q. And can you tell me who
2 introduced you? Can you tell me that much?

3 A. No, I can't remember.

4 THE COMMISSIONER: Q. On what race
5 track?

6 A. I went to everyone of them.
7 I went to everyone.

8 Q. Which one did you meet him
9 at?

10 A. Well, it must have been here
11 in Toronto.

12 Q. And how many years ago?

13 A. About twelve or thirteen
14 years. I can't remember. It is a long time.
15 It is a long time.

16 Q. Was there more than one track
17 operating in Toronto then?

18 A. There was Woodbine, and I
19 think . . .

20 Q. Dufferin?

21 A. Dufferin, yes, in the fall,
22 yes. In the war time there was Therncliffe . . .

23 Q. Which one of the tracks
24 did you meet him?

25 A. I can't readily remember.
26 It is a long time.

27 Q. All right.

28 A. Thirteen years.

29 THE MR. MacKINNON: Q. Well, did this
30



and can you tell us who

has been told in these cases?

A. Yes, I can't remember.

Q. Now, I want to ask you, when you

heard

I want to everyone at that

I want to everyone.

which one did you hear first?

Q.

A. Yes, I can't remember.

in January.

and how many years ago?

A. About twelve or thirteen

years. I can't remember. It is a long time.

It is a long time.

Q. Now, were there any other

persons in the room at that time?

A. There was nobody, and I

think . . .

Q.

A. I can't remember.

Q. In the year 1910, when you were in the

which one of the persons

did you meet first?

A. I can't remember.

It is a long time.

Q.

A. I can't remember.

Q. Now, I want to ask you, when you



1 turn into a warm friendship? Did you continue
2 to meet him there after?

3 A. Not especially. Not especially.

4 Q. What connection did you have
5 with him? What connection did you come to
6 know him and - you met him at the race track?

7 A. That's right.

8 Q. Did you continue to meet him
9 at race tracks?

10 A. No, I never went to race tracks
11 to meet any specific man.

12 Q. Well, did you continue to
13 meet him accidentally, or by design, to meet
14 him at race tracks?

15 A. I just met him the once, and
16 I never - if I saw him again, it never bothered me,
17 to remember him, or when I met him again, or
18 something. He is just like that. I don't know.
19 I don't know him too well.

20 Q. That is not what we have,
21 even from your own evidence?

22 A. Yes.

23 Q. You got to know him fairly well,
24 you got to know fairly well what his business
25 was and he got to know what your business was?

26 A. Eventually.

27 Q. And did that develop, did you
28 get into business together?

29 A. Together?
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turn into a warm friendship. And you will find

to meet the same effect

A. The possibility of something

B. The possibility of something

After that, the possibility of something

And this one - you will find it very strange

A. That's right.

B. And you continue to meet me

At the moment

A. No, I never want to meet you

to meet me again, I want

B. Well, I don't want to

and the possibility of something

And at the moment

A. I just want to meet you

I never - if I see him again, it means nothing to me

to remember him, or when I see him again, or

something. He is just like that, I don't know.

I don't know him too well.

B. That is not what we have

and the possibility of something

A. Yes.

B. Yes, and the possibility of something

you don't know that's all right and the possibility

and the possibility of something

and the possibility of something

and the possibility of something

and the possibility of something

and the possibility of something



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Q. You said you laid off with one another. You at least told us that. You placed bets, you have told us, and did that develop at all - is that the twelve or thirteen years ago?

A. Sure, twelve or thirteen years ago.

Q. Did you take bets that long ago? Is that your evidence now?

A. I took -- I think so.

Q. And how did you find out about one another, that is what I am interested in. Why did he come to St. Catharines, there are lots of bookies in Toronto?

A. The thing is, everybody seems to get to trust - they say, "well, so-and-so, if you get a 25 bill with him, he will pay". They trust, and that is the way, it is most important.

Q. What was that, what was that, trust?

A. Well, he would pay me out, and I him, that is about it.

Q. You say, almost from the beginning, you developed this mutual trust?

A. After he got to see me. He said, "I guess its all right if you want to call me".

Q. How did you know what kind



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Q. You said you had not seen
one another. You at least said so then. You
didn't say, you were both out on the same
development at all - in that the police are not
going to say
A. Well, I don't know
Q. Now you say that you
saw in that your evidence was
I don't -- I don't see
Q. And how did you find out
about the subject, that is the I am assuming
is. Why did he come to St. Louis, Missouri, to see
one John of business in Toronto?
A. The thing is, everything
seems to get to know - they say, "well, now
so, it was a 13 bill with him, he will pay."
They were, and that is the way, it is not
Q. And you said you had not
Q. Well, he would not be
and I think that is about it.
Q. You say, about that time
regarding, you mentioned this subject
A. About the time to see me.
Q. I guess the all right is the same to
Q. Now that you were with him



1 of business he was in. Did he tell you?

2 A. Yes, sir.

3 Q. What did he say he was doing?

4 A. He said he takes a little
5 action on the horses.

6 Q. Is that all?

7 A. And the baseball and the
8 football and the hockey games.

9 Q. And how about gaming, crap
10 games?

11 A. Thirteen years ago - - -

12 Q. Well, you just break it up . . .

13 THE COMMISSIONER: Let him finish,
14 Mr. MacKinnon, it may be profitable to let him
15 finish.

16 MR. MacKINNON: Q. You said
17 that thirteen years ago. What about that.
18 What were you going to say?

19 A. Thirteen years ago, you
20 wanted to know about gaming. Gaming, I don't
21 know. I would go to a crap game and shoot
22 crap, at a stag

23 Q. Please listen to my questions.
24 I am talking about McDermott, in connection
25 with McDermott.

26 A. Yes.

27 Q. What discussions did you
28 have with regards to gaming, or crap games?

29 A. None.
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of business he was in. And he will say

A. Yes, sir.

Q. When did he say he was going

A. He said he was going to

London on the 10th.

A. Yes, sir.

A. And the 10th of the

10th of the month.

Q. And the 10th of the month?

A. Yes.

A. Yes, sir.

Q. And the 10th of the month?

A. Yes, sir.

Q. And the 10th of the month?

A. Yes.

A. Yes, sir.

Q. And the 10th of the month?

A. Yes, sir.

A. Yes, sir.

Q. And the 10th of the month?

A. Yes, sir.

Q. And the 10th of the month?

A. Yes, sir.

Q. And the 10th of the month?

A. Yes.

A. Yes, sir.

Q. And the 10th of the month?

A. Yes, sir.

A. Yes, sir.



1 Q. None at all?

2 A. No.

3 THE COMMISSIONER: Q. At any time?

4 MR. MACKINNON: I will bring it up to date.

5 THE COMMISSIONER: I have asked a question,
6 just a moment. At any time?

7 A. We might have -- I might have said
8 I have won a hundred dollars at a crap game, that
9 discussion, yes, you know, that type of discussion,
10 certainly.

11 Q. Is that the only type of discussion
12 you ever had with him?

13 A. That is correct. That is right.

14 Q. That is the only type of
15 discussion concerning a crap game that you ever
16 had with him?

17 A. I would say.

18 Q. Pardon? You know, this reporter
19 is taking down everything you say. If you
20 mumble and chew your words he cannot get it down.

21 A. I think he can hear me.

22 Q. I cannot say for sure that I
23 agree that he always does. Speak up so that
24 you are sure -- so that I am sure.

25 I am asking you now, is that the only
26 type of discussion you ever had with him with
27 respect to gaming, or crap games?

28 A. On crap games, yes, that is all.

29 Q. All right. What about gaming?

30 A. That is gaming, crap games.



Q. Now at 1917

A. No.

Q. Now at 1917

A. No.

Q. Now at 1917

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1 Q. I see. I understand that is
2 the only type of discussion you had?

3 A. Bookmaking is gaming according
4 to the section I was charged on, gaming, yes.

5 Q. That is the only type of
6 discussion you had with McDermott with respect to
7 gaming or crap shooting?

8 A. I should say.

9 Q. Is it? Is that the only type of
10 discussion you ever had with him about gaming?

11 A. I don't understand it.

12 Q. We are back where we were yesterday.

13 MR. MACKINNON: This witness should be
14 committed.

15 THE COMMISSIONER: He is pretty close to it.
16 Is that all right with you?

17 A. Why, certainly. What am I supposed
18 to do? I don't understand the question.

19 Q. Do you know what is meant by
20 "type of discussion"?

21 A. When he said gaming, and discussed
22 the horses yesterday, with McDermott, I discussed
23 the crap games that I have won money, that, and
24 that is all.

25 Q. That is all. Thank you. That is
26 all.

27 MR. MACKINNON: Q. You are standing on that?

28 A. That is what I said. I discussed
29 crap games, ^{or} that I have shot crap.

30 THE COMMISSIONER: And that is all?



1980年 12月 20日 星期一 12月 20日 星期一 12月 20日 星期一

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ИЗДАНИЕ 1989 ГОДА



1 A. I shot craps.
2 Q. And that is all?
3 A. That is all.
4 Q. Fine. Don't let him change his
5 mind.

6 MR. MacKINNON: We have got him firmly on
7 the record. I can't control this man's mind.

8 Q. And did you know about the
9 Centre Road Vets Club?

10 A. Well, because it is -- because
11 everybody knows it. It was in the paper, "Raided",
12 and I talked to him ---

13 Q. You talked to who?

14 A. McDermott, and he told me he goes
15 there once in a while, so that is where I went.

16 Q. Did you just get into it by
17 opening the door, is that what you are trying
18 to tell us?

19 A. I just was in there once.

20 Q. And who introduced you into there?

21 A. Into the main door. It was
22 pretty ~~early~~ early, it was fairly early, around eight
23 o'clock, and Mr. McDermott and some big fellow
24 was downstairs, and he let me in. Mr. Feeley
25 was there.

26 Q. McDermott let you in?

27 A. No, no. Some fellow let me in.

28 Q. And what about Mr. McDermott,
29 what was he doing downstairs?

30 A. Mr. McDermott was there.



I don't know.

And what is this?

There is all.

Q. Now, when you saw the man in the

Q. Now, when you saw the man in the

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Q. Now, when you saw the man in the



- 1 Q. Mr. McDermott was there?
- 2 A. Yes.
- 3 Q. You didn't say that yesterday?
- 4 A. Yes, I did.
- 5 Q. You said Mr. Feeley was there.
- 6 A. I said -- you didn't ask about
- 7 Mr. McDermott.
- 8 Q. I was not questioning you yesterday.
- 9 A. He didn't ask me.
- 10 Q. So, McDermott was there. You had
- 11 arranged this with him, to see him at the Club?
- 12 A. No, I happened to be driving from
- 13 Toronto and I stopped there. It was early. I
- 14 asked if there was any action. I asked if
- 15 someone was wanting to play gin, and he said
- 16 that nobody comes to play cards until later,
- 17 so I left, and that is all.
- 18 Q. You talked to McDermott when you
- 19 were there?
- 20 A. Yes, I asked to play some gin.
- 21 Q. You asked McDermott that?
- 22 A. Yes, if there was anybody around
- 23 to play gin.
- 24 THE COMMISSIONER: Gin rummy, you mean?
- 25 A. Gin rummy.
- 26 MR. McKINNON: Q. Is that the kind of
- 27 action you were looking for?
- 28 A. Yes, sir.
- 29 THE COMMISSIONER: Slight relaxation from
- 30 driving, that is what he asked for. That is

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1 what you had in mind, just a little relaxation,
2 that is what you had in mind?

3 A. I tried to win a dollar. I try
4 to win a few dollars.

5 MR. MACKINNON: Q. And who introduced
6 you to Feeley on that day?

7 A. Well, Mr. McDermott said "this
8 is Mr. Feeley" and I said, "How are you".

9 Q. And who else were you introduced
10 to?

11 A. No one else.

12 Q. And why was it you were introduced
13 to Feeley?

14 A. He just happened to be there.

15 Q. And you said there was a big
16 man there as well?

17 A. He was downstairs.

18 Q. You said he let you in and yet
19 you were not introduced to him, were you?

20 A. Because when I left I just
21 walked right out.

22 Q. So, you were introduced to Mr. Feeley?

23 A. To Mr. Feeley.

24 Q. What description did you have,
25 did you know of him before?

26 A. Prior to that, no.

27 Q. Did you hear of him before?

28 A. No.

29 Q. What year is that?

30 A. Three or four years, about three



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1 years, three or four years ago.

2 Q. Did McDermott introduce you to
3 him other than as Mr. Feeley?

4 A. Peter Feeley, "This is Pete
5 Feeley".

6 Q. And that name meant nothing to
7 you?

8 A. No, sir.

9 Q. Did he describe him to you saying,
10 "This is my partner or associate"?

11 A. He just said this is Mr. Feeley,
12 Pete Feeley.

13 Q. And you had no other conversation
14 about who Mr. Feeley was?

15 A. No, sir.

16 Q. And you only stayed there for a
17 few minutes, is that it, and then you left?

18 A. I would say a few minutes.

19 Q. And did you ever meet Feeley
20 again.

21 A. Did I ever meet Feeley again,
22 certainly.

23 Q. And where did you meet him?

24 A. At the Midtown bowling alley,
25 and the golf course, and outside here.

26 Q. And Feeley was with McDermott then?

27 A. Yes.

28 Q. Those are the only two occasions
29 you have met him since then?

30 THE COMMISSIONER: We are waiting, Witness.



[Faint, illegible handwritten notes]

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1 A. Eh? I thought he was going to
2 ask me another question.

3 Q. He wants an answer first to that
4 question.

5 A. I don't remember. It is a couple
6 of times, that is all, a couple of times.

7 MR. MACKINNON: Q. Are you now swearing
8 that you never met Feeley in St. Catharines?

9 A. In St. Catharines?

10 Q. In St. Catharines. You have
11 heard of that city?

12 A. No.

13 THE COMMISSIONER: No what?

14 A. I didn't meet him in St. Catharines.

15 Q. You never met him in St. Catharines?

16 A. Niagara Falls and the Lookout Point.

17 Q. Not in St. Catharines?

18 A. Not that I can remember.

19 MR. MACKINNON: Q. Is that your evidence
20 with regard to McDermott as well, that you never
21 met him in St. Catharines? Think about that one.

22 THE COMMISSIONER: Go ahead. You think
23 about your answer.

24 A. I am thinking.

25 Q. And now, what is your answer?

26 A. Mr. McDermott, I didn't meet
27 him in St. Catharines.

28 MR. MACKINNON: Q. You say you have never
29 had any meetings with him in St. Catharines?

30 A. Not that I can remember.

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JAN 10 1968



1 Q. Well, maybe I can refresh your
2 memory a little. You did state that you knew
3 of the Parkdale Recreation Club?

4 A. Yes, sir.

5 Q. And we have had evidence that
6 that Club operated once a week on Wednesday
7 nights in the spring of 1960?

8 A. Uh-huh.

9 Q. And you attended on those nights,
10 didn't you?

11 A. I might have walked up and
12 walked out.

13 Q. You attended there? You were
14 there on Wednesday nights.

15 A. I told you I was there numerous
16 times.

17 Q. I am talking about 1960. Now,
18 Witness, you just listen to my question, as I
19 have told you before. In the Spring of 1960
20 you were present on those Wednesday nights
21 when a crap game was operating, weren't you?

22 A. Crap game?

23 Q. That's right. Don't smile, you
24 listen to my questions.

25 A. There was no crap game going
26 on when I was there.

27 THE COMMISSIONER: What was going on?

28 A. Just card games. Just like I
29 said, card games.

30 MR. MACKINNON: Q. You are swearing here now



| | |
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| 1 | Q. Now, did you see the man who was with the woman? |
| 2 | A. Yes, I saw him. |
| 3 | Q. What time was it when you saw him? |
| 4 | A. It was about 10:30 or 11:00. |
| 5 | Q. Did you see him again later that night? |
| 6 | A. No, I did not. |
| 7 | Q. Did you see the woman again after that? |
| 8 | A. No, I did not. |
| 9 | Q. Did you see the man again after that? |
| 10 | A. No, I did not. |
| 11 | Q. Did you see the woman again after that? |
| 12 | A. No, I did not. |
| 13 | Q. Did you see the man again after that? |
| 14 | A. No, I did not. |
| 15 | Q. Did you see the woman again after that? |
| 16 | A. No, I did not. |
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| 27 | Q. Did you see the woman again after that? |
| 28 | A. No, I did not. |
| 29 | Q. Did you see the man again after that? |
| 30 | A. No, I did not. |
| 31 | Q. Did you see the woman again after that? |
| 32 | A. No, I did not. |
| 33 | Q. Did you see the man again after that? |
| 34 | A. No, I did not. |
| 35 | Q. Did you see the woman again after that? |
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| 54 | A. No, I did not. |
| 55 | Q. Did you see the woman again after that? |
| 56 | A. No, I did not. |
| 57 | Q. Did you see the man again after that? |
| 58 | A. No, I did not. |
| 59 | Q. Did you see the woman again after that? |
| 60 | A. No, I did not. |
| 61 | Q. Did you see the man again after that? |
| 62 | A. No, I did not. |
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| 64 | A. No, I did not. |
| 65 | Q. Did you see the man again after that? |
| 66 | A. No, I did not. |
| 67 | Q. Did you see the woman again after that? |
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| 70 | A. No, I did not. |
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| 83 | Q. Did you see the woman again after that? |
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| 86 | A. No, I did not. |
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| 88 | A. No, I did not. |
| 89 | Q. Did you see the man again after that? |
| 90 | A. No, I did not. |
| 91 | Q. Did you see the woman again after that? |
| 92 | A. No, I did not. |
| 93 | Q. Did you see the man again after that? |
| 94 | A. No, I did not. |
| 95 | Q. Did you see the woman again after that? |
| 96 | A. No, I did not. |
| 97 | Q. Did you see the man again after that? |
| 98 | A. No, I did not. |
| 99 | Q. Did you see the woman again after that? |
| 100 | A. No, I did not. |



1 that there was no game being banked?

2 A. Not while I was there.

3 Q. On no occasion? You understand
4 my question? On no occasion?

5 A. You said, "Banked", not while
6 I was there.

7 Q. In 1960?

8 A. Banked, not while I was there.

9 Q. Did you ever run a bank, a crap
10 game there?

11 A. Who, no?

12 Q. Yes, you, that is right.

13 A. No, sir.

14 Q. Did you?

15 A. I have gambled in the place.

16 Q. You have not shot crap there,
17 of course?

18 A. Yes, I have.

19 Q. In 1960?

20 A. Yes, I have shot crap.

21 Q. On these Wednesdays?

22 A. Yes, the odd -- but I never banked
23 it, no banking game.

24 Q. It was not a banking game?

25 A. Not when I was there.

26 Q. It was a fade game, is that what
27 you are saying?

28 A. Yes.

29 Q. And was there anyone there from
30 Toronto?



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1 A. No, not that I know of.

2 Q. Never on any occasion?

3 A. No.

4 Q. And do you know Sam Taube. Taube --
5 is that his right name -- Albert, Albert Taube?

6 A. Very well.

7 Q. Yes?

8 A. I went to school with him.

9 Q. Oh, well, we will forget about
10 your school days. Did you know him in connection
11 with the Parkdale Recreation Club?

12 A. When I went there I didn't ask.

13 Q. Did you know him in connection
14 with the Parkdale Recreational Club?

15 A. He was there. I never ask people
16 their business. What they did, or anything.
17 I didn't know him in connection with anything.

18 Q. In connection with anything.

19 A. In the Parkdale Recreational Club.

20 Q. He was there?

21 A. Yes.

22 Q. Did you know, did he have an
23 official position at the Club?

24 A. I don't know. If I went there
25 on the odd Wednesday night, I didn't go to look
26 to see. I didn't look for a man.

27 Q. Yes, but he was an old friend.

28 A. No matter. I didn't ask old
29 friends their business. I just walked down
30 the street and I mind my own business.



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|----|---------------------------------|----|
| 1 | And the first thing I saw was a | 1 |
| 2 | very large, old, and | 2 |
| 3 | very old, and | 3 |
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| 47 | very old, and | 47 |
| 48 | very old, and | 48 |
| 49 | very old, and | 49 |
| 50 | very old, and | 50 |



1 Q. You never saw him ---

2 A. I said I saw him in there.

3 Q. Wait for the question. You
4 didn't see him operating a bank for a crap
5 game or assisting in the operation of banking a
6 crap game?

7 A. Not operating a crap game while
8 I was there.

9 Q. Was there a bank crap game, to
10 your information, after you were there?

11 A. I don't know.

12 Q. You have never been told by anyone?

13 A. No, I left.

14 Q. You couldn't have stayed very
15 long. Was that a social visit that you made?

16 A. I went and played mostly cards.

17 Q. Mostly cards. And how long were
18 you playing cards?

19 A. A couple of hours, one and a half
20 hours.

21 Q. And you say you left there --
22 you came early and you left early, is that it?

23 A. Yes.

24 Q. So, did you ever have any discussion
25 with Mr. Taube about the charter of this club?

26 A. No sirree.

27 Q. Did you ever have the charter of
28 the Club in your possession?

29 A. No, sir.

30 Q. At no time?

[illegible]



1 A. At no time. I don't know
2 where it was, no.

3 Q. You discussed with Mr. Taube
4 about the charter?

5 A. No?

6 Q. Yes, you are the one I am asking
7 questions of.

8 A. No, sir.

9 Q. How did you get into this club?

10 A. I just walked right in.

11 Q. Were you a member of the club?

12 A. Yes, they gave me a ticket.

13 THE COMMISSIONER: Who did that?

14 A. A fellow at the door.

15 Q. Who was he?

16 A. I don't know.

17 Q. Well, who was there?

18 A. They were there. I got ticket to
19 get in.

20 MR. MACKINNON: Q. You got a ticket every
21 night?

22 A. No, I had a special ticket.

23 Q. And have you got that with you?

24 A. Oh, no.

25 Q. Well, what did it look like?

26 A. Well, it was a green ticket.

27 Q. And what did you pay for it?

28 A. Five dollars.

29 Q. Membership fee, is that it?

30 A. Yes.



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| 1 | THE L. E. L. | 1 |
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| 50 | THE L. E. L. | 50 |



1 Q. And what did you get for your
2 membership?

3 A. They had a banquet once a year,
4 a big banquet once every year.

5 Q. And that Club folded after
6 Constable Wright was arrested, or before he
7 was arrested, it folded?

8 A. Not that I can remember.

9 Q. Did you gamble in there since
10 May of 1960?

11 A. I don't know if it folded.

12 Q. Did you gamble in there since May
13 or June of 1960?

14 A. No, sir.

15 Q. pardon?

16 A. No, sir.

17 Q. And how do you explain that?
18 You have not had any need for any relaxation
19 for the last two years?

20 A. That is about it.

21 Q. And I understand you to say that
22 you cannot tell us (a) who was running the Club
23 or (b) who even admitted you to the Club, is that
24 right?

25 A. Well, when I did walk in there
26 it was early, no one was there, I just walked
27 in and there were a few people upstairs.

28 Q. You got a ticket?

29 A. I got one ticket. I got one ticket
30 first.

[illegible]



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Q. And who signed it?

A. I don't know. I have not got it.

THE COMMISSIONER: Who did you get it
from?

A. Whoever was there. I don't
know.

Q. Don't you know?

A. They have numerous ---

Q. Don't you know who gave you the
ticket?

A. No, sir.

Q. You paid him five dollars, did you?

A. Yes.

Q. And did you know him at the time?

A. Yeh, I probably know him. There
were three or four people there. They said I
had to pay him five dollars, pay five dollars,
and they put my name in a book, or something,
and that is it.

MR. MACKINNON: Q. Do you know Arthur
Rosen?

A. Art Rosen?

Q. Yes.

A. Yes, I know him.

Q. Did you meet him at the Club?

A. No, he might have come up there,
but I didn't meet him up there.

THE COMMISSIONER: Q. How long have you
known him?

A. About sixteen or seventeen years.



| | | |
|-----|-----------------------------------|----|
| 1 | Q. And who signed it? | A. |
| 2 | Q. I don't know. I know that it | A. |
| 3 | was signed by the same person who | A. |
| 4 | signed the check for \$100.00 | A. |
| 5 | Q. And who signed that check? | A. |
| 6 | Q. I don't know. I don't | A. |
| 7 | know who signed that check. | A. |
| 8 | Q. And who signed the check for | A. |
| 9 | \$100.00? | A. |
| 10 | Q. I don't know. | A. |
| 11 | Q. And who signed the check for | A. |
| 12 | \$100.00? | A. |
| 13 | Q. I don't know. | A. |
| 14 | Q. And who signed the check for | A. |
| 15 | \$100.00? | A. |
| 16 | Q. I don't know. | A. |
| 17 | Q. And who signed the check for | A. |
| 18 | \$100.00? | A. |
| 19 | Q. I don't know. | A. |
| 20 | Q. And who signed the check for | A. |
| 21 | \$100.00? | A. |
| 22 | Q. I don't know. | A. |
| 23 | Q. And who signed the check for | A. |
| 24 | \$100.00? | A. |
| 25 | Q. I don't know. | A. |
| 26 | Q. And who signed the check for | A. |
| 27 | \$100.00? | A. |
| 28 | Q. I don't know. | A. |
| 29 | Q. And who signed the check for | A. |
| 30 | \$100.00? | A. |
| 31 | Q. I don't know. | A. |
| 32 | Q. And who signed the check for | A. |
| 33 | \$100.00? | A. |
| 34 | Q. I don't know. | A. |
| 35 | Q. And who signed the check for | A. |
| 36 | \$100.00? | A. |
| 37 | Q. I don't know. | A. |
| 38 | Q. And who signed the check for | A. |
| 39 | \$100.00? | A. |
| 40 | Q. I don't know. | A. |
| 41 | Q. And who signed the check for | A. |
| 42 | \$100.00? | A. |
| 43 | Q. I don't know. | A. |
| 44 | Q. And who signed the check for | A. |
| 45 | \$100.00? | A. |
| 46 | Q. I don't know. | A. |
| 47 | Q. And who signed the check for | A. |
| 48 | \$100.00? | A. |
| 49 | Q. I don't know. | A. |
| 50 | Q. And who signed the check for | A. |
| 51 | \$100.00? | A. |
| 52 | Q. I don't know. | A. |
| 53 | Q. And who signed the check for | A. |
| 54 | \$100.00? | A. |
| 55 | Q. I don't know. | A. |
| 56 | Q. And who signed the check for | A. |
| 57 | \$100.00? | A. |
| 58 | Q. I don't know. | A. |
| 59 | Q. And who signed the check for | A. |
| 60 | \$100.00? | A. |
| 61 | Q. I don't know. | A. |
| 62 | Q. And who signed the check for | A. |
| 63 | \$100.00? | A. |
| 64 | Q. I don't know. | A. |
| 65 | Q. And who signed the check for | A. |
| 66 | \$100.00? | A. |
| 67 | Q. I don't know. | A. |
| 68 | Q. And who signed the check for | A. |
| 69 | \$100.00? | A. |
| 70 | Q. I don't know. | A. |
| 71 | Q. And who signed the check for | A. |
| 72 | \$100.00? | A. |
| 73 | Q. I don't know. | A. |
| 74 | Q. And who signed the check for | A. |
| 75 | \$100.00? | A. |
| 76 | Q. I don't know. | A. |
| 77 | Q. And who signed the check for | A. |
| 78 | \$100.00? | A. |
| 79 | Q. I don't know. | A. |
| 80 | Q. And who signed the check for | A. |
| 81 | \$100.00? | A. |
| 82 | Q. I don't know. | A. |
| 83 | Q. And who signed the check for | A. |
| 84 | \$100.00? | A. |
| 85 | Q. I don't know. | A. |
| 86 | Q. And who signed the check for | A. |
| 87 | \$100.00? | A. |
| 88 | Q. I don't know. | A. |
| 89 | Q. And who signed the check for | A. |
| 90 | \$100.00? | A. |
| 91 | Q. I don't know. | A. |
| 92 | Q. And who signed the check for | A. |
| 93 | \$100.00? | A. |
| 94 | Q. I don't know. | A. |
| 95 | Q. And who signed the check for | A. |
| 96 | \$100.00? | A. |
| 97 | Q. I don't know. | A. |
| 98 | Q. And who signed the check for | A. |
| 99 | \$100.00? | A. |
| 100 | Q. I don't know. | A. |



1 MR. MacKINNON: Q. I will ask you
2 another name, Thomas Heit.

3 A. I know him.

4 Q. And how do you know him?

5 A. He has the Artistry Linoleum
6 Shop.

7 Q. Did you know him in connection
8 with this Parkdale Recreation Club?

9 A. No, I don't know if he had
10 anything to do with that Club.

11 Q. Did you see him there on those
12 nights, that is during 1960?

13 A. No, I didn't see him there.

14 Q. Well, who did you see there?

15 A. Fellows who played runny up
16 there.

17 Q. And Heit was not one of those
18 fellows?

19 A. I didn't see him.

20 Q. He did not introduce you to the
21 Club?

22 A. No.

23 Q. You never discussed with him ---

24 A. I was a member. I went up to
25 that club maybe seven or eight years ago and
26 I figured my ticket was good for all the way.

27 Q. Well, now, ---

28 THE COMMISSIONER: We will adjourn now.

29 --- Whereupon the hearing adjourned at 1.00 P.M.

30 (Page 7350 follows)



THE UNIVERSITY OF CHICAGO

LIBRARY

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AA/1/CH

On resuming:

THE COMMISSIONER: All right, Mr. MacKinnon.

MR. MacKINNON: Witness, on Monday of this week, you attended at Thomas McGroarty's home, didn't you?

A. Was that Monday that I was supposed to be here? Monday morning?

Q. Monday at 9:30 a.m.?

A. That's right.

Q. You did?

A. Um, hm.

Q. And I am going to read you a little portion of your conversation that was transcribed -- taped.

A. Um, hm.

Q. (reads):

"Balsam: What's the matter with you.

"They denied it. Then guys say

"no. You got to say no."

THE COMMISSIONER: What page is that?

MR. MacKINNON: Page 1 of Monday June the 11th, sir., at the bottom of the page.

THE COMMISSIONER: Wait until I get it.

MR. MacKINNON: The bottom of the page sir, on the first page.

THE COMMISSIONER: Monday, June the 11th, yes. Thank you, I have it now.

MR. MacKINNON: Let me read it to you



Page 1

THE UNITED STATES OF AMERICA

Department of Justice

Washington, D.C.

of this week. You attended at the meeting of the

name, didn't you?

A. Yes, I was there.

supposed to be there. Monday morning?

Q. Monday at 9:30 a.m.?

A. Yes, that's right.

Q. And you

A. Yes.

Q. And I am going to read you

a little portion of your statement and see

transcribed --

A. Yes.

Q. (reads)

"Witness: That on the morning of June 1, 1964,

"I was called to the office of the

"SAC. You can go on."

THE FOLLOWING IS A SUMMARY OF THE

INTERVIEW: June 1, 1964.

June 1, 1964, at the office of the SAC.

THE FOLLOWING IS A SUMMARY OF THE

Q.

THE FOLLOWING IS A SUMMARY OF THE

Q. And the next day,

THE FOLLOWING IS A SUMMARY OF THE

Q. Now, June 2, 1964, at the

Q. Now, June 3, 1964, at the



again in case you have forgotten.

THE WITNESS: I heard it.

Q. You heard it, eh?

A. Yes.

Q. (reads):

"That's all you got to do. You

"want to say you worked for me,

"you say well yeh I worked for him

"a little.

"McGraw: That's perjury though

"isn't it?

"Balsom: Bribery's worse.

"Jesus, Mick, don't be smart now."

Did you say that?

A. I said it sir.

Q. You did?

A. Yes sir.

Q. Do you think bribery is
worse than perjury?

A. I don't know which is worse.
I know I lied to him all along for a year.
I lied to him over a year.

Q. Listen to my questions. We
will come to your lies in a minute. You said
to him, "bribery is worse than perjury". Is
that right?

A. But I don't know the
difference.

Q. (reads):



Page

Number

Subject: [Illegible]

Reference: [Illegible]

Date: [Illegible]

Time: [Illegible]

Location: [Illegible]

Person: [Illegible]

Event: [Illegible]

Remarks: [Illegible]

Signature: [Illegible]

Witness: [Illegible]

Notes: [Illegible]

Comments: [Illegible]

Conclusion: [Illegible]

End of Report

Author: [Illegible]

Reviewer: [Illegible]

Editor: [Illegible]

Printer: [Illegible]

Publication: [Illegible]

Distribution: [Illegible]

Availability: [Illegible]

Access: [Illegible]

Usage: [Illegible]

Retention: [Illegible]

Disposition: [Illegible]

Comments: [Illegible]

Notes: [Illegible]

References: [Illegible]

Attachments: [Illegible]



38. Nelson

7352

1 "McGrearty: That's perjury though
2 "isn't it?"

3 "Nelson: Bribery's worse. Jesus
4 "Nick, don't be smart now".

5 You said that, didn't you?

6 THE COMMISSIONER: He admitted it.
7 You said it? You admit it?

8 A. I must have said it.

9 MR. MACKINNON: Now I am asking you
10 did you assess in your mind before you came here
11 which would be worse, bribery or perjury
12 and you decided to go for perjury?

13 A. No sir, I didn't want to go
14 for nothing.

15 Q. I am sure you didn't, but
16 have you made a choice now?

17 A. I would like to go home to
18 my wife and kids.

19 Q. Sure you would.

20 A. Sure.

21 Q. And I am asking you about a
22 choice between bribery and perjury not about
23 whether you go home to your kids?

24 A. No sir, I haven't made a
25 choice. I felt that I didn't have to make a
26 choice because everything I said to Mr. McGrearty
27 I lied. My first tip-off came from Mr. Moore,
28 John Wesley Moore, that's a tip-off I got from
29 John Wesley Moore.
30

[illegible]



1 Q. A tip-off?

2 A. I got a tip-off from Mr.
3 Anderson fourteen or fifteen years ago -- a
4 so-called tip-off -- and I established myself
5 as a big fixer around there. A phoney one --
6 a lying fixer. Made a fool of myself --
7 an actor -- and Mr. Anderson will remember
8 and will recall -- I can give him the
9 circumstances how I got my first tip-off from
10 him --

11 THE COMMISSIONER: You are saying
12 you pretended to be a fixer?

13 A. That's exactly what I done,
14 and now I made a fool of myself as an actor.
15 I don't know how to act. I didn't play the
16 part very well.

17 Q. I thought you were pretty
18 fair as an actor?

19 A. I don't think I was because
20 if I was a fixer I would have some type of
21 information to give someone but I have never
22 give nobody any information. The only time
23 Sergeant Anderson -- or whatever he is --
24 whatever rank he is -- I saw him going to get
25 on a bus. He was going to pinch a place
26 of Bacon's and I happened to notice him there
27 and I went downstairs and these people were
28 there and they were going to shoot crap but
29 there was hardly anyone there -- he must have
30

[illegible]

1992 年 7 月 20 日 星期日 第 1000 号



1 been watching them - and that's the only tip-off
2 I ever got. Is that a tip-off?

3 MR. MACKINNON: We will come to the
4 tip-offs. Don't be impatient. I am asking
5 you about 1962, not fifteen years ago. I will
6 ask you again and you listen to my questions.
7 Now, in June 1962 -- that's this month - -

8 A. Yes sir.

9 Q. Why did you say you were
10 lying this month?

11 A. To McGrearty?

12 Q. Yes.

13 A. Because I tell you last year
14 he says to me "Sam how about that car that I
15 put money in?" and I told him why and whose
16 car it was and then he chose to go and listen
17 to these -- this police man told him --
18 if he admitted and says I gave him the money
19 to put in the car then he would get some kind
20 of rank -- I don't know who he is and I says
21 to him, "Mickie, what's the matter with you,
22 what are you trying to do? Hang no? People
23 there got nothing to do with it."

24 Q. Why did you say, "Don't
25 say nothing, don't say nothing, they can't
26 prove nothing"?

27 A. Naturally, because I borrowed
28 the truck. He gave me the money. He put it
29 in there and I picked it up (sic).
30

[illegible]



1 Q. Oh, the truck; can I
2 start on that story?

3 THE COMMISSIONER: Wait until I
4 get this much down, Mr. MacKinnon.

5 Q. Yes borrowed the truck.
6 That's the green truck? Is that the one
7 you are talking about?

8 A. I don't know what colour
9 it was. I borrowed a truck. He didn't
10 want to work for me - - -

11 Q. What truck are you talking
12 about?

13 A. This truck he put money in.

14 Q. But are you telling me
15 that you borrowed it?

16 A. I borrowed the truck.

17 Q. From whom?

18 A. And I left the windows open
19 and I gave him the money supposedly to put in the
20 truck and I picked the money up because I
21 wanted him to think that I was a big fixer,
22 - that I was some kind of a big shot so he
23 would keep working for me and people would still
24 bet with me.

25 Q. I see. Now, just a minute.

26 A. And that is all I am --

27 Q. You borrowed the truck from
28 whom?

29 A. From -- well, do I have to
30



1911

Q. Now, what time did you get up?

A. I got up at about 7 o'clock.

Q. Did you go to work that day?

A. Yes, I went to work.

Q. What time did you get to work?

A. I got to work at about 8 o'clock.

Q. Did you go to work every day?

A. Yes, I went to work every day.

Q. Did you go to work on the 1st of May?

A. Yes, I went to work on the 1st of May.

Q. Did you go to work on the 2nd of May?

A. Yes.

Q. Did you go to work on the 3rd of May?

A. Yes.

Q. Did you go to work on the 4th of May?

A. Yes, I went to work on the 4th of May.

Q. Did you go to work on the 5th of May?

A. Yes, I went to work on the 5th of May.

Q. Did you go to work on the 6th of May?

A. Yes, I went to work on the 6th of May.

Q. Did you go to work on the 7th of May?

A. Yes, I went to work on the 7th of May.

Q. Did you go to work on the 8th of May?

A. Yes, I went to work on the 8th of May.

Q. Did you go to work on the 9th of May?

A. Yes, I went to work on the 9th of May.

Q. Did you go to work on the 10th of May?

A. Yes, I went to work on the 10th of May.

Q. Did you go to work on the 11th of May?

A. Yes, I went to work on the 11th of May.



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answer that?

Q. Yes you do. You do.

Who did you borrow the truck from?

A. Well - I mean - after all,
why should he be - -

Q. Never mind arguing with me,
just answer me. Who did you borrow the truck
from. You say you borrowed it?

A. Hartunia.

Q. Hartunia?

serial
A. He is an ~~serial~~ man --

Hartunia.

Q. "I borrowed the truck from
Hartunia".

MR. MACKINNON: Would you spell that?

A. That's Hartunia - that's
all I know -- H-a-r-t-u-n-i-a- - - -

serials,
THE COMMISSIONER: He fixes ~~serials~~,

does he?

A. I don't know what he does.

Q. Well, you said he is an serial
man.

A. He is an odd-jobber --
he has ladders. I borrowed them two or three
times from him.

Q. Just a moment. He is an
serial man. And then you gave the money to Nickie?

A. That's right.

Q. You left the window of the truck



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1. I am very glad to hear that you are well.

2. I hope you are enjoying your trip.

3. I am sure you will have a very successful one.

4. I am looking forward to hearing all the news when you get back.

5. I am sure you will have a very good time.

6. I am sure you will have a very good time.

7. I am sure you will have a very good time.

8. I am sure you will have a very good time.

9. I am sure you will have a very good time.

10. I am sure you will have a very good time.

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19. I am sure you will have a very good time.

20. I am sure you will have a very good time.

21. I am sure you will have a very good time.

22. I am sure you will have a very good time.

23. I am sure you will have a very good time.

24. I am sure you will have a very good time.

25. I am sure you will have a very good time.

26. I am sure you will have a very good time.

27. I am sure you will have a very good time.

28. I am sure you will have a very good time.

29. I am sure you will have a very good time.

30. I am sure you will have a very good time.

31. I am sure you will have a very good time.



1 open?

2 A. Yes.

3 Q. And you told Nickie to put
4 the money in the truck?

5 A. Yes -- and then I picked it up.

6 Q. I want to get it clear.

7 You borrowed a truck from Hartunia, left the
8 window open and then gave the five hundred dollars
9 to Nickie?

10 A. That's right.

11 Q. And told him to go and put it
12 in the truck?

13 A. That's right.

14 Q. And then you picked the money
15 up later?

16 A. I picked the money up myself
17 and drove the truck away.

18 Q. You picked the money up and
19 drove the truck away?

20 A. As soon as he left.

21 Q. Where did you drive it?

22 A. I drove it back home. I
23 borrowed it over night. I didn't take it back.
24 I had took it for the night -- borrowed the truck --
25 because he didn't want to work for me.

26 Q. Who didn't?

27 A. Nickie. I had trouble. I kept
28 saying to him, "You won't get pinched. You
29 won't get pinched. I will do the best I can ar
30

[illegible]



1 you won't get pinched if there is anything I
2 can do, see?"

3 Q. Then this whole idea was
4 to convince Mickie that you --

5 A. That I was a big shot.

6 Q. And you could fix things?

7 A. That's right - that I was
8 some kind of a big man. I could fix it so he
9 wouldn't get pinched, and he got pinched. That's
10 how much -- I was an actor and I'm sorry I
11 got caught. I'm an actor. I was pretending
12 to everyone that I knew a little bit, because
13 I used --

14 Q. Don't start making a speech.
15 Was it five hundred dollars you gave Mickie?

16 A. Five hundred.

17 Q. And told him to put it in
18 the right hand window?

19 A. Yes.

20 Q. Of the truck?

21 A. Yes - the street side.

22 THE COMMISSIONER: Thank you.

23 Mr. MacKinnon?



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MR. MACKINNON: Q. What is this man

Hartunia's first name?

A. Mackenzie.

Q. Is he still living?

A. Yes.

Q. Where does he live?

A. At that time I ^{think} lived

on Pelham Road -- I mean on Hartsell Road.

Q. Where does he live now?

A. Welland Avenue, somewhere.
areQ. And you, now swearing to us that
you borrowed his panel truck; is that it?A. He's got a truck, I don't know
what you call it.

Q. You describe it to me.

A. A sedan delivery, I think it is;
it has a cab and a couple of seats.Q. And, is it closed in at the
back?

A. I don't know.

Q. Is it closed in?

A. He's got two seats; I don't know,
I just borrowed the truck.

Q. What is behind the two seats?

A. I don't know what he's got
behind the two seats.Q. The truck body, itself, is it
an open body or a closed one?

A. It is a closed one.

Q. It has closed doors on the back?



Page 1

THE FOLLOWING IS A LIST OF THE
PERSONS WHOSE NAMES ARE

- A. [illegible]
- B. [illegible]
- C. [illegible]
- D. [illegible]
- E. [illegible]
- F. [illegible]
- G. [illegible]
- H. [illegible]
- I. [illegible]
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- T. [illegible]
- U. [illegible]
- V. [illegible]
- W. [illegible]
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- Y. [illegible]
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1 A. I imagine; it's a sedan delivery,
2 if that's what you -- it's like a car and a
3 truck with the ---

4 Q. Do you know what year it is or
5 was when you did this little trick?

6 A. No, I don't know the year.

7 Q. And, when was this; when did
8 you ---

9 A. I don't really remember; I can't --
10 whatever day it was.

11 Q. Was it in the winter of '60?

12 A. I don't remember.

13 THE COMMISSIONER: Q. Did you give him
14 \$500 on more than one occasion?

15 A. No, that's it.

16 MR. MACKINNON: Q. He has sworn it was
17 in the winter time of 1960.

18 A. I don't remember.

19 Q. Tell me how you came about to
20 do what you did do; how did you set this thing
21 up with Mickey?

22 A. Well, I went into the house, and
23 I told ---

24 Q. Whose house?

25 A. His, Mickey's house, and he says,
26 he's going to quit that day, he wasn't going
27 to work. He says to me, "I can't take
28 your business any more; everybody's watching
29 you, and you can't . . ." - I wasn't supposed
30 to go in the poolroom or nothing, and then he

1. The first of these is the fact that the

[illegible]

1940-1941 1942-1943 1944-1945 1946-1947

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1 says to me, "I can't do it." I says to him,
2 "Well, what are you worrying about; I got
3 lots of protection. I can fix it up." And,
4 that was it.

5 Q. Yes.

6 A. I said, "You go ahead; it's not
7 that big a thing." I said, "I am supposed
8 to go and meet a fellow tonight; here's the
9 deal; here's the money, and go ahead."

10 Q. Go ahead where?

11 A. Go and pay him.

12 Q. Why were you giving him the money?

13 A. To prove to him that I had a
14 fix.

15 Q. You told him that, did you?

16 A. Yes.

17 Q. You just said, "Here's the \$500,
18 this will show you I have got a fix"?

19 A. Yes.

20 Q. How did you give it to him?

21 A. In his hand.

22 Q. I see. You pulled it out of
23 your pocketbook?

24 A. Yes.

25 Q. What were they, ones, fives, tens,
26 twenties?

27 A. No, they were big bills.

28 Q. Twenties and fifties?

29 A. There was twenties and one fifty
30 or two.



Q. Now, I want to ask you, "I can't do it." I want to know

Q. Well, what are you worrying about? I got

Q. face of protection. I can fix it up. And,

Q. that was it.

Q. Well, I want to know

A. I said, "You go ahead; it's not

Q. and this is what I said, "I want to know

Q. so go and meet a fellow tonight; have's the

Q. well, that's the money, and he said, "I want to

Q. so second minute

A. in the first

Q. the way you talked the first time

A. to know so this time I had a

Q.

Q. let him know, did you?

A. Yes.

Q. You just said, "There's one thing,

Q. now this show you I have got a tip?

A. Yes.

Q. Now and you give it to him?

A. In his hand.

Q. I see. You pulled it out of

Q. just yesterday

A. Yes.

Q. Now, you were with them, were you?

Q.

A. No, they were out there.

Q. That's what I said.

A. There was something and one thing

Q.



1 Q. And you carried this amount of
2 money around with you, did you?

3 A. I did when I had it, but you
4 can't carry it all the time.

5 Q. What did you do when you gave
6 him the money?

7 A. I told him to go and put it in
8 the truck and somebody would pick it up.

9 Q. That is all very well ---

10 A. And, I told him to walk away and
11 that's all, and so I stood there and watched
12 him put it in the truck and walk away and
13 then I took the truck and I run away with it,
14 just so he would figure I had something.

15 Q. Where was the truck to be; what
16 did you tell him about that?

17 A. Outside of the Garden City
18 laundry.

19 Q. Did you go with him?

20 A. No, I didn't want him to know
21 it was me; I was playing an act.

22 Q. I thought you told me this wasn't
23 so and you never got a fix in, and if that
24 was the case, why wouldn't you go with him?

25 A. Because there was nobody there
26 but me, and he had to go and put the money in
27 and I picked the money up. You don't think
28 I am going to leave \$500 in an open window
29 for somebody else to see him throw an envelope
30 in an open window and walk away; I told him,



Q. And you carried this money of
money around with you, did you?
A. I did when I had it, but you
can't carry it all the time.
Q. How did you do when you had
the money?
A. I told him to go and put it in
the trunk and somebody would pick it up.
Q. That is all very well --
A. And, I told him to wait away and
come's all, and so I stood there and watched
him put it in the trunk and wait away and
when I took the trunk and I ran away with it,
then he no would follow I had something.
Q. How was the money in the trunk?
A. It was in the trunk.
Q. How was the money in the trunk?
A. It was in the trunk.
Q. And you go with him?
A. No, I didn't want him to know.
Q. It was that I was hiding on me.
Q. I suppose you told no one about it?
A. No, you never told a fix in, and it was
was the case, why wouldn't you go with him?
A. Because there was nobody there
and me, and he had to go and put the money in
and I picked the money up. You don't think
I am going to leave that in an open window
for somebody else to see him there or anything
in an open window and wait away; I told him,



1 and I watched him, and I took the money.

2 Q. So far as you know he was alone?

3 A. As far as I know, he was alone.

4 Q. What do you mean by that, "as
5 far as you know he was alone"?

6 A. There was only him there.

7 Q. Well, couldn't you see that he
8 was alone; what are you suggesting, that
9 some invisible person might have been with him?

10 A. Well, I saw him walking ---

11 Q. Was he alone or wasn't he?

12 A. As far as I know, all I saw was
13 him.

14 Q. All you saw was him, but you
15 are saying, "As far as I know", are you worried
16 about what he might say?

17 A. I don't care what he says; I
18 didn't see anybody else there.

19 Q. You didn't see anybody else there.

20 A. I watched him walking towards
21 the truck and throw the money out.

22 Q. You saw him do that?

23 A. Yes.

24 Q. And where were you?

25 A. I was up the street; there's
26 some bushes there, hedges there.

27 Q. So, you were up the street, and
28 there were some bushes there, and you were
29 hiding in the bushes; could you give me some
30 idea where you were?



and I wanted it, and I took the money.

Q. So far as you know he was alone?

A. As far as I know, he was alone.

Q. What do you mean by that, the

fact he was alone and alone?

A. Well, I mean he was alone.

Q. Well, wouldn't you say that he

was alone and he was alone?

some twelve or thirteen years ago with him?

A. Well, I am in the city --

Q. And you are in the city?

A. As far as I know, all I can say

and I am in the city.

Q. All right, but you are not

any longer, are you? As far as I know, you are not.

Q. You are not any longer?

A. I don't care what he says; I

don't care what he says.

Q. And that's all you have to say?

A. I wanted him to stay in the

city and stay in the city.

Q. You saw him to that?

A. Yes.

Q. And where was he?

A. I was at the house; that's

the house where he was.

Q. So, you were at the house, and

you saw him there, and you saw

him in the house; could you give me some

more information?



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A. Up the street.

Q. Yes, but where, which way, east --

A. West.

Q. Is this on St. Paul Street where you were hiding?

A. Yes.

Q. How far away were you?

A. I don't know, just far enough to see him. I went around by the machine -- there's a machine shop there -- around the corner by the machine shop.

Q. Where did he go then after he had thrown the money in; did he come around past you?

A. I could see him coming, and then I walked around the machine shop, and that is it.

Q. Did he continue walking past you?

A. He done what I told him; he walked down to the bridge and then he turned.

Q. He walked back, is that what you are saying?

A. No, he walked away and turned and went back.

Q. Well, I am afraid you will have to be a little more explicit than that. He was approaching you, was he, as he coming from the truck?

A. He was coming ---

Q. You know what "approaching" means?

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A. Yes, that is right.

Q. He was approaching you, and the truck was between you and him?

A. Yes, that's right.

Q. And, he put the money in the truck you say you saw, taxi and then did he turn around and go back, or did he continue to come on?

A. He turned around and went towards the bridge.

Q. Towards you, then?

A. I was on this side and he kept going towards the bridge away from me, from where I was hiding.

Q. Did he go at a right angles then; you say he was approaching you and you were watching him?

A. That's right.

Q. Which way was he going -- would you draw a little diagram for me, witness?

A. No, I can't.

Q. Why can't you?

A. Because I am a poor drawer.

THE COMMISSIONER: Q. Oh, you can do the best you can.

MR. MacKINNON: Q. I would like you to sit down, witness, over here.

A. What for?

Q. Just so that you will do the best you can.

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THE END

[Faint, illegible text]

1. 1992年10月1日以前

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1982 May June



1 A. What do you want me to draw?

2 Q. Where you were and where this
3 car was with relation to you.

4 A. I was right there, and the truck
5 was right there, and he was right there, and
6 he continued on this way.

7 Q. What street was he walking up?

8 A. It's right at the Garden City
9 laundry; I don't know.

10 Q. The Garden City laundry is on
11 the corner, is it?

12 A. Mm-hum.

13 Q. How could you see him coming?

14 A. I stood on the corner, up around
15 there, so he could see me.

16 Q. So he could see you?

17 A. So I could see him.

18 Q. And, then, you moved backwards
19 as he moved closer to you; is that it? You
20 were standing on this corner and here
21 watching him come your way; correct?

22 A. I watched him come around the
23 corner and then I watched him coming, and
24 then I got away.

25 Q. You were down here, and you say
26 the car was here, and he was walking with
27 his back towards you, then?

28 MR. WILSON: No, no.

29 THE COMMISSIONER: Q. Is that right?

30 A. No, that is not right. He knows



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A. That the first time he saw him
B. That the first time he saw him
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D. That the first time he saw him
E. That the first time he saw him
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O. That the first time he saw him
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W. That the first time he saw him
X. That the first time he saw him
Y. That the first time he saw him
Z. That the first time he saw him



1 what I said.

2 MR. MACKINNON: No, I don't.

3 THE WITNESS: All right, I will explain
4 it to you. (To the Commissioner):

5 THE COMMISSIONER: All right, that may
6 help; I am brighter than he is.

7 MR. MACKINNON: No doubt about that.

8 THE WITNESS: That is where I went (indicating),
9 and he come up and went and put the money in
10 the car, and walked over here, and he kept
11 going and right around and under the bridge
12 and out. There's the bridge there, and he
13 went to this one street around by the bridge,
14 and he went away down here, and I went and
15 picked the money up in the car and run away.

16 THE COMMISSIONER: Q. Now, as I
17 understand you, witness, he was walking down
18 this street, was he?

19 A. That's right.

20 Q. And you were over on this street?

21 A. That's right.

22 Q. And he came down and you saw him
23 put the money in the truck; where did he go
24 then?

25 A. He went to this next street and
26 down, and as soon as I saw him I got into
27 the truck and backed it up and went away.

28 Q. What is on the corner here?

29 A. I don't remember.

30 Q. What streets are they? What are



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1 the names of the streets?

2 A. I don't remember; it's Garden
3 City laundry street; that's all I remember.

4 THE COMMISSIONER: Well, I understand
5 what the witness is saying.

6 MR. MacKINNON: I just want to establish
7 where this man was.

8 Q. You say when you were watching
9 this man McGroarty put the money in, you
10 were behind him?

11 A. Yes, I was behind him, and he
12 put the same envelope in what I give him.

13 Q. He put the envelope in, did he?

14 A. I put the money in the envelope
15 when I was right there.

16 Q. When you were where?

17 THE COMMISSIONER: At his house.

18 THE WITNESS: At his house.

19 MR. MacKINNON: Q. This is the first time
20 that you have said you put the money ⁱⁿ the
21 envelope at his house.

22 A. You can't throw \$500 on a seat ---

23 Q. I have never done it, witness,
24 so I cannot tell you.

25 A. You couldn't do it.

26 THE COMMISSIONER: Q. He says you
27 brought the money to him in an envelope and
28 the envelope was sort of torn.

29 A. I don't know anything about that.

30 Q. You don't know anything about that?



the back of the envelope

A. I don't remember this

Q. Now, when you saw the envelope, did you see it?

A. Yes, I saw it.

Q. And you saw it in the envelope?

A. Yes, I saw it in the envelope.

Q. And you saw it in the envelope?

A. Yes, I saw it in the envelope.

Q. And you saw it in the envelope?

A. Yes, I saw it in the envelope.

Q. And you saw it in the envelope?

A. Yes, I saw it in the envelope.

Q. And you saw it in the envelope?

A. Yes, I saw it in the envelope.

Q. And you saw it in the envelope?

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Q. And you saw it in the envelope?

A. Yes, I saw it in the envelope.

Q. And you saw it in the envelope?

A. Yes, I saw it in the envelope.

Q. And you saw it in the envelope?

A. Yes, I saw it in the envelope.

Q. And you saw it in the envelope?

A. Yes, I saw it in the envelope.

Q. And you saw it in the envelope?

A. Yes, I saw it in the envelope.

Q. And you saw it in the envelope?

A. Yes, I saw it in the envelope.

Q. And you saw it in the envelope?

A. Yes, I saw it in the envelope.



- 1 A. No.
- 2 Q. Would you deny that?
- 3 A. Yes, I deny that.
- 4 Q. You had that money in your pocket,
- 5 did you?
- 6 A. Yes, that's right.
- 7 Q. All right.
- 8 MR. MacKINNON: Q. Did you tell him
- 9 on this occasion that Lawrence and Lamerie
- 10 would phone him and tell him where to put the
- 11 money?
- 12 A. I didn't mention anybody to him;
- 13 I just told him I had somebody, and that was
- 14 it. I didn't mention any name of any police-
- 15 man.
- 16 Q. Did you tell him he would get
- 17 a phone call telling him where to put the money?
- 18 A. No, I called him.
- 19 Q. Oh, you phoned him?
- 20 A. I phoned him.
- 21 Q. You didn't tell us about that
- 22 before. What did you phone him for?
- 23 A. I phoned him and told him where
- 24 to put the money.
- 25 Q. Oh.
- 26 A. I said, "Here's the money. Here's
- 27 the money."
- 28 Q. You saw him and you gave him
- 29 the money?
- 30 A. I left, and then I called him, and

1994

1917



1 then I called him and I told him where to
2 put the money.

3 Q. This is a little elaboration you
4 are making on your story.

5 A. Yes, I am making a little
6 elaboration.

7 A. Yes, I am making a little
8 elaboration. (Page 7377 follows)

9 A. Yes, I am making a little
10 elaboration.

11 A. Yes, I am making a little
12 elaboration.

13 A. Yes, I am making a little
14 elaboration.

15 A. Yes, I am making a little
16 elaboration.

17 A. Yes, I am making a little
18 elaboration.

19 A. Yes, I am making a little
20 elaboration.

21 A. Yes, I am making a little
22 elaboration.

23 A. Yes, I am making a little
24 elaboration.

25 A. Yes, I am making a little
26 elaboration.

27 A. Yes, I am making a little
28 elaboration.

29 A. Yes, I am making a little
30 elaboration.



When I called him and I told him where to

get the money.

There is a little telephone box

and talking on that money.

(from the bottom)

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B53

1 THE COMMISSIONER: Q. Let me get this
2 part of the story now: You say, "I first
3 went to his house; gave him \$500 out of my
4 pocket..." ---

5 A. And then I told him I would
6 call ---

7 Q. Just a minute. "Gave him
8 \$500 out of my pocket, and said to him, 'Here's
9 the money'?"

10 A. I said, "Here's this money."
11 I said, "We are going to get some protection
12 for this money".

13 Q. "I said we are going to get
14 some protection for this money." Was that
15 all you said to him?

16 A. I says, "I will call you and
17 tell you where to put the money." And that
18 is exactly what I did.

19 Q. All right.

20 MR. MACKINNON: Q. So, you didn't tell
21 him when you were in the house where the
22 truck would be parked. You are changing
23 that part of your story now?

24 A. Well, I didn't know where it
25 would be parked.

26 Q. Don't -- just answer the
27 question. Originally you told me you told
28 him when you went to this house where this
29 truck would be parked, and this was to show
30 him the fix was in, and to show him that you



Q. Now, did you see him at the time he was there?

A. Yes, I saw him at the time he was there.

Q. Did you see him at the time he was there?

A. Yes, I saw him at the time he was there.

Q. Did you see him at the time he was there?

A. Yes, I saw him at the time he was there.

Q. Did you see him at the time he was there?

A. Yes, I saw him at the time he was there.

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Q. Did you see him at the time he was there?

A. Yes, I saw him at the time he was there.

Q. Did you see him at the time he was there?

A. Yes, I saw him at the time he was there.

Q. Did you see him at the time he was there?

A. Yes, I saw him at the time he was there.



1 Q. Just drop it in the truck.

2 THE COMMISSIONER: Q. You told him
3 that on the phone?

4 A. Yes.

5 Q. You didn't tell him that at
6 his house?

7 A. I couldn't.

8 Q. Not whether you could or
9 couldn't, but you didn't?

10 A. I couldn't and I didn't.

11 MR. MACKINNON: Q. Now, this truck, in
12 1960, can you tell me what make it was?

13 A. It is a Ford, that is all I know.

14 Q. It is a Ford?

15 A. Yes, I think it is.

16 Q. You indicated you have used it
17 on other occasions?

18 A. Yes, I used the ladders on it
19 to wash windows.

20 Q. And, would you know what colour
21 it was?

22 A. I think it was turquoise.

23 Q. Turquoise?

24 A. Yes.

25 THE COMMISSIONER: Q. Any painting on
26 the side of it indicating who owned it?

27 A. I think there was -- no, I
28 think it was a little bit of writing on the
29 side.

30 Q. What would it be?



Q. Now then is it true that...

A. Yes, that is correct.

Q. And the statement that...

A. Yes, that is correct.

Q. Now then is it true that...

A. Yes, that is correct.

Q. And the statement that...

A. Yes, that is correct.

Q. Now then is it true that...

A. Yes, that is correct.

Q. And the statement that...

A. Yes, that is correct.

Q. Now then is it true that...

A. Yes, that is correct.

Q. And the statement that...

A. Yes, that is correct.

Q. Now then is it true that...

A. Yes, that is correct.

Q. And the statement that...

A. Yes, that is correct.

Q. Now then is it true that...

A. Yes, that is correct.

Q. And the statement that...

A. Yes, that is correct.

Q. Now then is it true that...

A. Yes, that is correct.

Q. And the statement that...

A. Yes, that is correct.

Q. Now then is it true that...

A. Yes, that is correct.



1 were a big shot. Now, you are changing that?

2 A. I am changing that, because
3 I didn't tell him where the truck was because
4 I didn't know where the truck would be; I had
5 to phone him.

6 Q. Why did you have to phone him?

7 A. Because I didn't know where
8 the truck would be parked.

9 Q. Why not, if you were doing the
10 parking?

11 A. I had to find a place to park
12 it so it would be more convenient for him.
13 He just lived around the corner.

14 Q. And, what did you tell him,
15 did you say who was calling or did you say,
16 "This is Sammy"?

17 A. I said, "Just bring the money
18 over to the laundry", and that is all I told
19 him; I didn't say, "This is Sammy", or
20 "This is Jimmy".

21 Q. He would know your voice, of
22 course?

23 A. I should imagine.

24 THE COMMISSIONER: Q. You phoned up
25 and said, "Bring the money over to the laundry."?

26 A. Yes, that's right, Garden
27 City Laundry.

28 MR. MACKINNON: Q. Did you tell him to
29 put it in the chute there at the laundry?

30 A. No, just drop it in the truck.



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A. Chalk mark, I am not sure.

MR. MACKINNON: Q. Wouldn't it show, "Hartunia Aerial Service"; it has to have some name on it by law.

A. It has to, but I don't think he had it on at that time. I don't remember. I would hate to say it if I don't.

(Page 8385 follows)



...and the ...

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(...)



1 MR. MCKINNON: Q. Now, after Balson --
2 at least, McGroarty, got his subpoena, he spoke
3 to you; is that correct?

4 A. That's right.

5 Q. You saw him that day, which was
6 June 1st?

7 A. He called me.

8 Q. That's right. You came over to
9 the station to see him?

10 A. That's right, that's where he called
11 me from.

12 Q. That's right, and you came right
13 over?

14 A. Yes.

15 Q. Yes?

16 A. I had just come home.

17 Q. And you picked him up in your car?

18 A. Hu-hum.

19 Q. And you went out somewhere to dis-
20 cuss this subpoena, didn't you?

21 A. Yes.

22 Q. And, you told him this, which is
23 on the tape---

24 MR. ROSE: Sorry---

25 MR. MCKINNON: Q. And you told him this,
26 which is on the tape for June 1st, 1962 -- Mickey
27 has just said, "They know about Lamorie and
28 Lawrence." And then Balson: "They don't know
29 nothing. What are you worried about? I'am sick
30 too...."---



[Faint, illegible text]



1 THE COMMISSIONER: Wait a minute. What
2 page is this?

3 MR. MACKINNON: This is on the first page
4 of June 1st. The one I have got in the blue
5 folder, sir.

6 THE COMMISSIONER: Yes, I have the one in
7 the blue folder, but it starts out: "They know
8 about Lanorle and Lawrence."

9 MR. MACKINNON: Yes, "They know about
10 Lanorle and Lawrence. DALSON: They don't know
11 nothing."

12 THE COMMISSIONER: The next line is;

13 "DALSON: So what?".

14 MR. MACKINNON: Yes, I am coming down a
15 few lines -- I don't intend to read the whole
16 transcription.

17 THE COMMISSIONER: All right. I see it now.

18 MR. MACKINNON: Q. "DALSON: They don't
19 "know nothing. What are you worried about?
20 "I am sick too. I say 'go' but you got to
21 "reneg. They have denied it already so
22 "deny it. Just say 'I don't know what you
23 "are talking about. I can't help you at
24 "all."

25 Now, you told him to say that?

26 A. Sure, why not; why shouldn't I
27 tell him to say that, because it's -- then fellows
28 had nothing to do with nothing. He thinks they
29 put the money in the truck for them, and then
30 fellows got nothing to do with it.



THE COMMISSIONER OF THE GENERAL LAND OFFICE
LONDON
SIR,
I have the honor to acknowledge the receipt of your letter of the 14th inst. in relation to the application of the 1st section of the Act of the 26th March 1862, in relation to the sale of the land of the United States, and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.
Very respectfully,
J. M. [Signature]
[Title]



1 Q. You phoned him to say, "I don't
2 know what you are talking about."?

3 A. That's right, and he didn't. I
4 told him a year ago it was me that picked the
5 money up.

6 Q. You told him that?

7 A. That's right. So, then, all this
8 other stuff he just done that on his own.

9 Q. Why don't you say it is nothing
10 in your conversations with him? Why don't you
11 mention it's nothing in your conversations with him?
12 Why don't you say to him, "You know I picked the
13 money up."?

14 A. I said what was he worried about;
15 all he had to say was he didn't put it in there.

16 Q. You know my question, Witness. Why
17 didn't you say to him then, "Well, you know I
18 picked the money up, myself." Why didn't you say
19 that; you had all kinds of conversations with him;
20 why didn't you say that? There's not one reference
21 to that in these transcriptions. Why didn't you
22 say that?

23 A. Well, he told me these other things,
24 and---

25 THE COMMISSIONER: Q. What other things?

26 A. Well, he figures he could get around
27 it. These fellows didn't have nothing to deal
28 with. Or -- well, I know I picked the money up.
29 I---

30 Q. Why didn't you say that?



Q. Now, you say that you saw him on the 12th?

A. Yes, I saw him on the 12th.

Q. And you saw him on the 13th?

A. Yes, I saw him on the 13th.

Q. And you saw him on the 14th?

A. Yes, I saw him on the 14th.

Q. And you saw him on the 15th?

A. Yes, I saw him on the 15th.

Q. And you saw him on the 16th?

A. Yes, I saw him on the 16th.

Q. And you saw him on the 17th?

A. Yes, I saw him on the 17th.

Q. And you saw him on the 18th?

A. Yes, I saw him on the 18th.

Q. And you saw him on the 19th?

A. Yes, I saw him on the 19th.

Q. And you saw him on the 20th?

A. Yes, I saw him on the 20th.

Q. And you saw him on the 21st?

A. Yes, I saw him on the 21st.

Q. And you saw him on the 22nd?

A. Yes, I saw him on the 22nd.

Q. And you saw him on the 23rd?

A. Yes, I saw him on the 23rd.

Q. And you saw him on the 24th?

A. Yes, I saw him on the 24th.

Q. And you saw him on the 25th?

A. Yes, I saw him on the 25th.

Q. And you saw him on the 26th?

A. Yes, I saw him on the 26th.



1 A. I told him there was nothing wrong.
2 That's it.

3 Q. And, you repeated that, "Tell them
4 that you don't know anything." You gave him that
5 advice?

6 A. If I am supposedly to have a fix
7 and he knows I picked the money up, now what a
8 mess that is.

9 Q. You are certainly in a mess, Witness.
10 So, your advice to your friend, Mickey, was:
11 They can't prove it; everybody else has gone in
12 and denied it, and we will follow suit -- we will
13 deny it. Isn't that true? You said here,
14 "They will be booked". That was the basis of it,
15 wasn't it?

16 A. (No answer).

17 THE COMMISSIONER: Q. That is what you were
18 saying to Mickey, wasn't it?

19 A. He knew I picked the money up. I
20 told him I picked the money up.

21 MR. MACKINNON: Q. Lookit, Witness, you
22 listen to me. You listen to my questions and you
23 answer my questions.

24 A. What?

25 Q. I have said that to you six times
26 now. I want you to listen.

27 A. No, you haven't; that's the first
28 time you said it.

29 Q. I am saying to you that your
30 proposition to Mickey was, "They have found nothing



1 on us, so don't admit anything; deny everything,
2 because they can't prove it. If they could prove
3 it, we would have been booked."

4 You said that?

5 A. (No answer).

6 THE COMMISSIONER: Q. Didn't you
7 they

8 A. How could/have anything on me? How
9 could they have anything on me when I picked the
10 money up?

11 Q. Didn't you, -- Witness!

12 A. Yes, I picked the money up. They
13 couldn't prove anything. I said that.

14 Q. You said that?

15 A. Yes, so what have they? I picked
16 the money up. No policeman picked the money up.

17 MR. MACKINNON: Q. Who is Eddy?

18 A. Eddy?

19 Q. Yes. One of these conversations
20 you had with Mickey says you phoned him this
21 morning and Bracy said you wanted to see me and
22 Eddy came up---

23 THE COMMISSIONER: Where is that?

24 MR. MACKINNON: Page 3.

25 Q. Do you know an Eddy?

26 A. Came up where?
(Quote)

27 Q. "Eddy came up and said 'he just went
28 past but he didn't come in' (Unquote) and I
29 wondered 'what the hell is that?' I just wondered."

30 This is a phone call you had with Mickey
on June 7th.

[illegible]

old looking I need an 80 million over gold stone

1. NAME (PRINTED) MR. JOHN A. SMITH



1 A. Eddy?

2 THE COMMISSIONER: Q. Yes, who is Eddy?

3 A. Eddy was supposed to be at my house,
4 or at Mickey's house?

5 Q. No, no; Mickey is talking to you on
6 the phone, and Mickey said: "Well, you phoned
7 home this morning and Bracy..."-- That is Mickey's
8 wife, isn't it?

9 A. Yes.

10 Q. "Bracy said you wanted to see me
11 "and Eddy came up and said 'he just went
12 "past but he didn't come in' and I wondered
13 "'What the hell is that?' I just wondered."

14 Now, who is Eddy?

15 A. I don't know. I don't know any
16 Eddy. I just don't know.

17 Q. You just don't know.

18 How long have you been pretending to be
19 able to -- pretending to be a fixer?

20 A. Ever since---

21 Q. How many years?

22 A. Ever since Mr. Moore -- I happened
23 to walk in to pay a phone bill, and Mr. Moore
24 was in there making a phone call, and he dialled
25 seven numbers---

26 Q. How long ago was this?

27 A. I don't know. I couldn't tell you.
28 He would know. He would have it on his police
29 record.

30 Q. You tell me how long was this?



Approved by _____

實心實意 實事求是 實惠實惠

[illegible]



1 A. It's got to be over three years.
2 And, he was dialling this Canal number, and he
3 was dialling a bookmaker, and he got a girl to
4 ask some silly question, and I was paying a phone
5 bill, and I happened to see him, and I saw him
6 dial this Canal number, and I said, "Did you get
7 the phone call?" I said, "Did you get a phone
8 call and they asked you such-and-such a thing,
9 I don't know what?" And, he said, "Yes, I did."
10 I said, "Well, that was the Ontario Provincial
11 Police." And, Mr. Moore was behind it, and that
12 was it. They raided him five days later. And,
13 that's when I established myself as a big shot,
14 a big fixer, and I tried to get some business.
15 And, that's what Mickey thinks, I was a big fixer.
16 And, I used his name in vain and I used other
17 people's name in vain, which I should never have
18 done, just to try to get a little more business.

19 Q. What kind of business?

20 A. Horse business.

21 MR. MCKINNON: Q. Were you trying to get
22 more business in June of 1962?

23 A. Sure; I tried to get business at
24 any time.

25 Q. This was to the wife of Mickey that
26 you were talking when you were trying to get
27 business? I understand this is your explanation;
28 That you were trying to pose to Mickey as a big
29 fixer, a big shot, to try to get more money?

30 A. Sure, because I was trying to get



Q. Now let us go back to the first time you

met the man who was with you at the time

you were in the hospital, was it not a fact

that you saw him there, and I saw him there

also, and I saw him there, and I saw him there

and I saw him there, and I saw him there

and I saw him there, and I saw him there

and I saw him there, and I saw him there

I don't know where he was, but I saw him there

I saw him there, and I saw him there

and I saw him there, and I saw him there

and I saw him there, and I saw him there

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and I saw him there, and I saw him there



1 more money.

2 Q. Why did you try to convince him
3 last week that you were still a big fixer?

4 A. Because this was last year, and I
5 still didn't want anybody to know what I was. I
6 didn't want anybody to know what a liar I was.

7 THE COMMISSIONER: They have probably some
8 inkling at the moment.

9 MR. MACKINNON: They probably have some
10 indication of an idea.

11 Q. Now, let me read what was taped
12 in a conversation between you and Mickey on
13 June 10th, 1962 -- at the bottom of page 8.

14 THE COMMISSIONER: Wait till I find it.

15 MR. MACKINNON; Q. "BALSON: Oh, no, don't

16 "use the phone; don't talk about nothing,

17 "but...you can't make sense right now,

18 "eh? "

19 "MICKEY: Eh? Pretty hard.

20 "BALSON: Yes. All right, you go and I'll

21 "get in touch with you after but don't -

22 "don't worry about it. You haven't got

23 "that much to worry about. Listen. For

24 "them to prove that you give money, give them

25 "guys money, give them guys money - that's

26 "oh -- lot...to it...it's impossible

27 "if you say no; they've said no.

28 "MICKEY: Yeah.

29 "BALSON: I'll say no, so what the hell?

30 "It's impossible for them to prove it;



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1 "they've got to have the money."

2 What were you trying to convince him of there?

3 A. Did it ever occur to you that he
4 tried to get money from me?

5 THE COMMISSIONER: Q. No, no; just answer
6 the question; just answer the question. What were
7 you trying to prove there?

8 A. Where?

9 Q. You have heard it read.

10 MR. MACKINNON: Q. Just what I have read
11 to you; were you trying to convince him that they
12 couldn't fix anything on you because they had to
13 have the money to prove it?

14 A. Because he was trying to tell a lie
15 about somebody, because they read it in the paper,
16 and he wanted money from me and he's been after
17 me for money for a long time.

18 Q. How did you know he was going to
19 tell a lie?

20 A. Because he called me and told me
21 he was going to tell a lie.

22 Q. I see. Why didn't you say that to
23 him in these interviews you had with him in the
24 last two weeks?

25 A. Because he was rambling on, and
26 so everything was---

27 Q. You seem to be concerned about
28 making sure that he doesn't say anything, and they
29 can't prove anything? You say:

30 "BALSON: I will say no."



"I don't know what you mean."

Q. Now, you say you don't know what you mean?

A. Yes, I don't know what you mean.

Q. Now, you say you don't know what you mean?

A. Yes, I don't know what you mean.

Q. Now, you say you don't know what you mean?

A. Yes, I don't know what you mean.

Q. Now, you say you don't know what you mean?

A. Yes, I don't know what you mean.

Q. Now, you say you don't know what you mean?

A. Yes, I don't know what you mean.

Q. Now, you say you don't know what you mean?

A. Yes, I don't know what you mean.

Q. Now, you say you don't know what you mean?

A. Yes, I don't know what you mean.

Q. Now, you say you don't know what you mean?

A. Yes, I don't know what you mean.

Q. Now, you say you don't know what you mean?

A. Yes, I don't know what you mean.

Q. Now, you say you don't know what you mean?

A. Yes, I don't know what you mean.

Q. Now, you say you don't know what you mean?

A. Yes, I don't know what you mean.

Q. Now, you say you don't know what you mean?

A. Yes, I don't know what you mean.

Q. Now, you say you don't know what you mean?

A. Yes, I don't know what you mean.

Q. Now, you say you don't know what you mean?

That's all.

Q. Now, you say you don't know what you mean?

That's all.



1 This is you talking to Mickey?

2 "I'll say no, so what the hell?" And, you
3 said----

4 A. I just say, "I'll say no" -- I'll
5 still say no, because I picked the money up.

6 Q. Who were the other guys you had in
7 mind?

8 A. I just named the people because
9 they were in there, and I named them.

10 Q. Who were those guys?

11 A. What guys?

12 Q. That you were talking about, about
13 giving them guys money, and that they have said
14 no. Who are they? Who are you talking about?

15 A. Oh, them two policemen said he
16 didn't give me any money.

17 Q. What two policemen?

18 A. Mr. Lawrence and Lemorie.

19 Q. Well, now, during this time if you
20 were telling the truth, why were you so anxious
21 to frisk Mickey when you met him?

22 A. He's a liar.

23 Q. Why would being a liar have anything
24 to do with you frisking him?

25 A. He's a sick man.

26 Q. You say that.

27 A. No, no; he is a sick man, and may
28 he rest in peace -- On Sunday morning I went out
29 and got him a chocolate bar because he was so
30 sick. If he says that's not so he's a liar.



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1 Q. He is not a liar, if I may say
2 that with respect to you, Witness. He is not a
3 liar.

4 Q. I didn't frisk him.

5 Q. Oh, you didn't frisk him now?

6 A. That's right.

7 Q. Are you denying it?

8 A. The police will be there---

9 Q. You say you didn't frisk him. Did
10 you make a search of his house?

11 A. I went right through his house.

12 Q. Maybe you can tell us where you went
13 through his house?

14 A. I went right up and looked in the
15 bathroom, and---

16 Q. You weren't having a conference in the
17 bathroom, were you?

18 A. No, he was sitting there in his
19 py jama.

20 Q. What were you doing there? This is
21 only four days ago.

22 A. I didn't search no house; I didn't
23 look for nothing.

24 Q. You didn't search his house?

25 A. That's right.

26 Q. Are you sure you didn't go through
27 any rooms in his house apart from the room you
28 have told us about?

29 A. I didn't look for nothing.

30 Q. What were you doing in the other rooms?



1 A. What other room? I don't remember.
2 Maybe he summoned me to go in.

3 THE COMMISSIONER: Q. All right, what
4 room was this?

5 A. I don't remember. And, this was
6 last week, *just, I don't*

7 MR. MACKINNON: Q. That was this week.
8 That was this week.

9 A. All right, that was this week.

10 THE COMMISSIONER: Q. Three days ago.

11 A. All right. I don't remember what
12 room, because I can't even remember his apartment.

13 MR. MACKINNON:

14 Q. Now, where does Mickey live?

15 A. He lives next to the car wash.

16 Q. What is it, an apartment?

17 A. Yes, upstairs.

18 Q. An upstairs apartment? Did you go
19 around opening cupboard doors?

20 A. I did not.

21 Q. You didn't open a one?

22 A. I will take an oath---

23 Q. You have taken the oath right now.

24 A. That's right. I didn't.

25 Q. You did not?

26 A. Yes.

27 THE COMMISSIONER: Q. You are sure of that?

28 A. I am sure I never opened no door.
29 I might have touched a door, but I didn't open a
30 door looking for anything.

MR. MACKINNON: Q. You didn't open a door,



1 and you didn't poke your head in a cupboard?

2 A. No, not unless he asked me to do
3 it to get something for him, I didn't, but I
4 don't remember him---

5 THE COMMISSIONER: Q. Now, have we got
6 this straight: You did not open any door and
7 look in? *He didn't look in.*

8 A. If he asked me to get something
9 for him I might have, but I didn't open any
10 door against his wishes or to get something -- not
11 a thing.

12 Q. Now, I thought you said that a
13 discussion with him took place in the bathroom?

14 A. No, in the kitchen. He's got a table
15 there, and---

16 Q. Right in the kitchen?

17 A. Yes.

18 Q. Not in the bathroom?

19 A. No. He was sick. He was in the
20 bed. *He was in the bed.*

21 Q. I thought you said he was sitting
22 in his kimono in the bathroom?

23 A. He got up out of bed. He was in
24 his pyjamas.

25 Q. Was he sitting in the bathroom
26 during this discussion?

27 A. No, he came out and talked there.

28 Q. In the kitchen?

29 A. Yes.

30 Q. All right. Are you swearing you



It is the intention of the Board to have the following members:

1944年12月1日

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1 did not open any cupboard doors?

2 A. Well, I didn't open any cupboard
3 door that I remember.

4 Q. Are you sure of that?

5 A. I can't remember---

6 Q. Were there any other people in the
7 house besides you and Mickey?

8 A. Yes, his wife.

9 Q. You and he and his wife?

10 A. Yes.

11 Q. You are sure of that?

12 A. Yes.

13 Mr. MacKINNON: Q. Did you see his wife?

14 A. Oh, yes.

15 Q. Where was she when you saw her?

16 A. She was there.

17 Q. I see. Did you pick up any articles
18 when you were in Mickey's apartment, for example,
19 a towel?

20 A. I don't think so.

21 Q. Or a rag?

22 A. I don't think so. I had no reason
23 to.

24 Q. And, you are now swearing affirmatively
25 that you at no time searched this apartment?

26 A. Absolutely not. I never searched
27 the apartment. He was there when I was there.
28 How could I search his apartment right in front
29 of him?
30



1990



1 THE COMMISSIONER: Q. And, if anybody else
2 swore that you did, what would you say about that?

3 A. No?

4 Q. You heard me.

5 A. What would I say to it? I would
6 say he is a liar. What right have I to search
7 a man's apartment? I went up there to ask him
8 if he had a ride over here.

9 MR. MCKINNON: Q. You were just going
10 over to ask him if he had a night ride, were you?

11 A. That's right, to ask him if he had
12 a ride.

13 Q. What was the other reason?

14 A. Well, I told you the reason: To not
15 mention about that, because I picked the money up.

16 Q. You are still insisting you told
17 him that, and yet there is no mention of that in
18 this transcription, but that was your reason,
19 just to go again and repeat to him, "I picked
20 the money up"?

21 A. Was this thing always there? He
22 couldn't have walked away---

23 THE COMMISSIONER: Q. What thing? What
24 thing?

25 A. I don't know, this here where he
26 was picking up my conversation.

27 Q. You were talking to Mickey, weren't
28 you?

29 A. No-um.

30 Q. And, he was hearing all your conversa-

[illegible]



1 tion, wasn't he?

2 A. Yes.

3 Q. I suppose this all came to you as
4 a great surprise that he was recording your
5 conversation?

6 A. Not exactly, no.

7 Q. You were not surprised?

8 A. Not exactly, no. He's a big liar,
9 himself.

10 MR. MACKINNON: Q. And, that makes two
11 big liars; is that it?

12 A. I was lying about the money. I
13 picked the money up. I told him I had something
14 going for me, and so, that's all.

15 Q. I notice also in this same conversation
16 you are once again telling him what to do. This
17 is on Monday. You are talking about the money
18 again, and saying:

19 "BALSON: They didn't see you.

20 "MCGOARTY: No.

21 "BALSON: Well that doesn't matter

22 "and they didn't say nothing. Use a

23 "little hearsay when you're up there."

24 What did you have in mind in that regard? You
25 are giving him a little bit of advice there.

26 A. I am a lawyer, that's right.

27 Q. What did that mean, "...use a little
28 bit of hearsay when you are up there"? Confuse
29 the ~~honest~~ poor lawyers when you are up there?

30 THE COMMISSIONER: And the Commissioner.



1. The first thing I noticed

2. was that the room was

3. very quiet and the air was

4. fresh and clean. I had never

5. before.

6. The first thing I noticed

7. was that the room was

8. very quiet and the air was

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25. before.

26. The first thing I noticed

27. was that the room was

28. very quiet and the air was

29. fresh and clean. I had never

30. before.



1 MR. MCKINNON: Q. And the Commissioner?

2 A. No, no, I didn't mean that. If --
3 When I told him I picked the money up; when he knew
4 I picked the money up, he should have quit
5 mentioning the people's name. He wanted money
6 from me, so somebody give him money to do that,
7 what he did.

8 THE COMMISSIONER:

9 Q. I don't understand that. Somebody
10 gave him money to do what he did when?

11 A. That's right. He said I owed him
12 money for a couple of years. He said I owed him
13 money.

14 Q. Yes?

15 MR. MCKINNON: That still doesn't answer
16 the question, sir.

17 THE WITNESS: What is the question?

18 MR. MCKINNON: I wonder if the reporter
19 will read it back?

20 THE COMMISSIONER: I don't think it will
21 help.

22 MR. MCKINNON: It's getting tiring.

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24 (Page 7405 follows)
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Mr. [Name] [Address]

[City, State, Zip]

I am writing to you to [purpose]

I am writing to you to [purpose]

I am writing to you to [purpose]

I am writing to you to [purpose]

I am writing to you to [purpose]

I am writing to you to [purpose]

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I am writing to you to [purpose]



1 THE COMMISSIONER: Q. Having picked the
2 money up out of the truck what did you do with
3 it?

4 A. Put it in my pocket.

5 Q. And, then, what did you do with
6 it?

7 A. Hung on to it.

8 Q. Have you still got it in your
9 pocket? Did you put it in the bank?

10 A. I spent it for my wife and kids.

11 Q. Not all of it at once?

12 A. No.

13 Q. You said you had a bank account?

14 A. Yes, I have a small bank account.

15 Q. Did you have a bank account at
16 that time?

17 A. Hm-hmm.

18 Q. Why didn't you go and put it in the
19 bank?

20 A. Because I was using it.

21 MR. MacKINNON: Q. On this same --

22 THE COMMISSIONER: Q. By the way, had
23 you drawn it out of the bank in order to give
24 it to him?

25 A. No.

26 Q. Where did you get it?

27 A. I had it on me. I won it.

28 Q. In what?

29 A. Horses. Bowling.

30 MR. MacKINNON: Q. A little later on



THE FOLLOWING IS A SUMMARY OF THE INFORMATION RECEIVED FROM THE SOURCE ON 12/15/44.

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29. THE SOURCE HAS BEEN ADVISED THAT THE FOLLOWING INFORMATION IS CORRECT.



1 in this Monday conversation you had with McGroarty
2 - this is page 3, near the top of the page -
3 Balson - that is, you - spoke:

4 "You got to meet me somewhere today
5 "and we'll talk it over. Jesus Mick what
6 "the hell's the matter with you. Jesus
7 "Mickey, if you say anything all you're
8 "going to do is get me a trial.
9 "McGroarty: Yeh, I know that's it.

10 "Balson: I'm going to deny it."

11 What did you mean, he was going to get
12 you a trial?

13 A. Well, if he mentions that he gave
14 money to a couple of policemen there and it was
15 me he gave the money to.

16 Q. That was what was going to get you
17 a trial?

18 A. Well, naturally.

19 Q. I see.

20 "Balson: I'm going to deny it."

21 You meant you were going to deny having given him
22 any money at any time?

23 A. No, I never gave him any money.
24 I tried to tell you that he was mad at me and he
25 told me that he knew it was me that ~~was~~ picked
26 the money up so he was threatening me for the last
27 six or seven months.

28 Q. You felt he would be believed and
29 you would not. Is that it?

30 " . . . all you're going to do is get



DATE 10/10/1964 BY SP-5 J. H. H. / J. H. H.



1 "me a trial."

2 A. Apparently it was believed.

3 Q. You felt that way about it?

4 A. I guess so.

5 Q. Then, you told him what to say about
6 when he worked for you, didn't you? Let me
7 read you this at the bottom of page 3:

8 "Balsom: I'm going to say. They're going
9 "to say, did Mickey work for you. I'm
10 "going to ~~say~~ say well yeh in a sense
11 "yeh in a way maybe, he wrote my sheet
12 "for me and I gave him a percentage.
13 "And that's all you gotta say. And
14 "I've seen him pretty
15 "near every day."

16 THE COMMISSIONER: What page is that?

17 MR. MACKINNON: This is page 3, at the
18 bottom of the page.

19 Q. This was the story you wanted him
20 to tell?

21 THE COMMISSIONER: It must be a different
22 page 3.

23 MR. MACKINNON: It is Monday, June the 11th.
24 Its not the blue folder.

25 THE COMMISSIONER: Well, mine is all collected
26 together, as I understand it.

27 Yes, I think I have it here now.

28 MR. MACKINNON: Page 3 at the bottom of the
29 page, starting at "Balsom".

30 Q. So, you were telling --



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1 THE COMMISSIONER: I see it.

2 MR. MacKINNON: Q. -- Mickey what to say
3 and what you were going to say when you came over
4 here?

5 A. Prior to that I told him to tell
6 the truth, and that is the truth. That was the
7 truth.

8 Q. Just listen.

9 A. That is right.

10 Q. You were making arrangements with
11 him as to what his evidence would be when he
12 came here?

13 A. Hm-hmm.

14 Q. That is right, isn't it?

15 A. When he was in coma again, and
16 that is when I told him, "You have to tell the
17 truth".

18 Q. There is no coma here.

19 A. There is coma here; there is all
20 kinds of coma with that fellow.

21 Q. There is some doubt as to where the
22 coma is, witness.

23 "I'm going to say. They're going to say,
24 "did Mickey work for you. I'm going to say
25 "well yeh in a sense yeh in a way maybe,
26 "he wrote my sheet for me and I gave him
27 "a percentage." on

28 A. That is the truth.

29 Q. You paid him \$70. a week at the end?

30 A. No, I didn't.



Q. Now, I am going to ask you a question.

A. Yes, I am ready to answer.

Q. Now, I am going to ask you a question.

A. Yes, I am ready to answer.

Q. Now, I am going to ask you a question.

A. Yes, I am ready to answer.

Q. Now, I am going to ask you a question.

A. Yes, I am ready to answer.

Q. Now, I am going to ask you a question.

A. Yes, I am ready to answer.

Q. Now, I am going to ask you a question.

A. Yes, I am ready to answer.

Q. Now, I am going to ask you a question.

A. Yes, I am ready to answer.

Q. Now, I am going to ask you a question.

A. Yes, I am ready to answer.

Q. Now, I am going to ask you a question.

A. Yes, I am ready to answer.

Q. Now, I am going to ask you a question.

A. Yes, I am ready to answer.

Q. Now, I am going to ask you a question.

A. Yes, I am ready to answer.

Q. Now, I am going to ask you a question.

A. Yes, I am ready to answer.

Q. Now, I am going to ask you a question.

A. Yes, I am ready to answer.

Q. Now, I am going to ask you a question.

A. Yes, I am ready to answer.

Q. Now, I am going to ask you a question.

A. Yes, I am ready to answer.



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Q. You deny that?

A. I deny it.

Q. It was a pure percentage?

A. That is right.

Q. All right. He was writing your book for you and you were out playing golf a good part of the time?

A. He only wrote what I didn't take in myself.

Q. You told us yesterday you only worked an hour, an hour and a half a day?

A. That is right, and he worked the rest of it.

Q. So, he was working the major portion of the day when you were out playing golf?

A. Well, some days I stayed a little longer.

Q. But you deny paying him a regular salary?

A. That is right.

Q. Of \$40. to start with?

A. That is right.

Q. And \$70. later on?

A. That is right, I deny it.

Q. What was his percentage?

A. I told you, it would come to 30, 40.

not

Q. It would come to \$70. in a week?

A. I doubt it.

Q. How was his percentage worked out?



1. The first part of the report is a general statement of the purpose of the study. It is a statement of the problem and the objectives of the study. It is a statement of the scope of the study and the limitations of the study. It is a statement of the significance of the study and the contribution of the study to the field of study.

2. The second part of the report is a statement of the literature review. It is a statement of the current state of knowledge in the field of study. It is a statement of the gaps in the knowledge and the need for the study. It is a statement of the theoretical framework of the study and the hypotheses of the study.

3. The third part of the report is a statement of the methodology of the study. It is a statement of the research design of the study and the data collection methods of the study. It is a statement of the data analysis methods of the study and the statistical tests of the study.

4. The fourth part of the report is a statement of the results of the study. It is a statement of the findings of the study and the statistical results of the study. It is a statement of the conclusions of the study and the implications of the study for the field of study.

5. The fifth part of the report is a statement of the discussion of the study. It is a statement of the interpretation of the findings of the study and the limitations of the study. It is a statement of the suggestions for further research and the contribution of the study to the field of study.

6. The sixth part of the report is a statement of the conclusion of the study. It is a statement of the overall findings of the study and the implications of the study for the field of study. It is a statement of the final conclusions of the study and the final recommendations of the study.



1 A. Five cents on every dollar taken
2 out.

3 Q. It was possible he would get \$70.
4 for a week's work?

5 A. I don't think so.

6 A. Then, I should have read you this,
7 because it pretty well substantiates what you
8 are doing now. I have read you this first part.

9 THE COMMISSIONER: What page?

10 MR. MacKINNON: Page 3 of June the 11th.

11 "Balson: You got to meet me somewhere

12 "today and we'll talk it over. Jesus Mick

13 "what the hell's the matter with you.

14 "Jesus Mickey, if you say anything all

15 "you're going to do is get me a trial.

16 McGroarty: Yeh, I know that's it.

17 "Balson: I'm going to deny it.

18 "McGroarty: (Sigh)

19 "Balson: I'm going to say this guy's

20 "crazy, for crying out loud, now look"

21 This was going to be your position if he did tell
22 the truth, you were going to say he was crazy?

23 A. You think I am wrong in saying he
24 is a little crazy? That guy? After all.

25 A. This is your defence, he is crazy?

26 A. No, it isn't. Well, like I said,
27 he has been after money from me for the last six
28 or seven months and this was his way to get money
29 out of me.

30 THE COMMISSIONER: I do not think he is



1 referring to McGroarty when he says "this guy's
2 crazy".

3 THE WITNESS: Yes, McGroarty was; he was
4 after money.

5 THE COMMISSIONER: I don't think he is
6 talking about McGroarty. He is saying, "I am
7 going to say this guy is crazy".

8 MR. MacKINNON: I think it is McGroarty
9 because he has just said:

10 ". . . if you say anything all you're going
11 "to do is get me a trial."

12 And, then, Balsom says, "I will deny it". And,
13 then, he says, "This guy is crazy".

14 THE COMMISSIONER: Maybe so.

15 MR. MacKINNON: .. Have you been told,
16 witness, if you are put away for perjury your
17 family will be looked after?

18 A. No, sir. You are telling me now.

19 Q. Hmm But, have you been told if you
20 do get sentenced you will be sprung early, like
21 Curly Gardner?

22 A. I don't even know him.

23 Q. You have heard of him?

24 A. I read papers; I have been here 42
25 years.

26 Q. You have never discussed him with
27 Feeley or McDermott?

28 A. No. With nobody. Just read the
29 papers.

30 Q. You did admit to Mr. Wilson that you



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1 had been talking to McDermott quite recently.

2 That is true, isn't it?

3 A. Yes, sir.

4 Q. How recently? Let us just take
5 this week, maybe that will put it a little
6 shorter, since Sunday? Including Sunday? Have
7 you spoken to McDermott?

8 A. I can't remember of speaking to
9 McDermott.

10 Q. You cannot remember?

11 A. No.

12 Q. Since last Sunday?

13 A. No.

14 Q. This is Wednesday, I believe?

15 A. That is right.

16 Q. It is a possibility but you do not
17 remember?

18 A. Yes.

19 Q. What would you be talking about?

20 A. McDermott?

21 Q. Yes?

22 A. If I didn't talk to him I wouldn't
23 be talking about --

24 Q. If you did talk to him? You said you
25 did not remember talking to McDermott?

26 A. That is right.

27 Q. There is a possibility you did
28 talk to him within the last four days?

29 A. I don't know. I can't remember.
30 I didn't have a reason to talk to him.



and that is the only way to get the best results

that is why, I am sure, that

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1 Q. That is not the answer. Did you
2 talk to him?

3 A. I don't think I did.

4 Q. That is as far as you will go?

5 A. Yes; I can't remember.

6 Q. Now, we have heard from Lawrence
7 that he telephoned you on May the 29th, the
8 day he was suspended, which was a Sunday. And
9 you acknowledged that. Is that not correct, that
10 you got a phone call from him right after he was
11 suspended?

12 A. I think so.

13 Q. That is right, isn't it?

14 A. I think so.

15 Q. And he told you why he was suspended?

16 A. Because my name was mentioned.

17 Q. And he told you in what connection
18 it was mentioned?

19 A. No. He didn't tell me then.

20 Q. What would mention of your name have
21 to do with it?

22 A. That's what he told me, just that my
23 name was mentioned.

24 Q. Is your name that bad or good, just
25 mentioning your name does something to people?
26 In what connection was your name mentioned? You
27 would ask him that?

28 A. After Burlington.

29 Q. Forget after Burlington. Let us stick
30 to Sunday when he phoned you and told you this.



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Q. Now, did you see him at the time?

A. Yes, I did.

Q. Did you see him at the time?

A. Yes, I did.

Q. Did you see him at the time?

A. Yes, I did.

Q. Did you see him at the time?

A. Yes, I did.

Q. Did you see him at the time?

A. Yes, I did.

Q. Did you see him at the time?

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Q. Did you see him at the time?

A. Yes, I did.

Q. Did you see him at the time?

A. Yes, I did.

Q. Did you see him at the time?

A. Yes, I did.

Q. Did you see him at the time?

A. Yes, I did.

Q. Did you see him at the time?

A. Yes, I did.



1 In what connection was your name mentioned according
2 to him?

3 A. According to him he just wanted
4 to know how come my name was mentioned in con-
5 junction with his, and that is it.

6 Q. You say he mentioned Constable
7 Scott, whether Constable Scott had been talking
8 to you?

9 A. That is right.

10 Q. Did he tell you how he came to mention
11 Constable Scott?

12 A. Apparently Constable Scott was
13 telling that he was supposed to take money from me;
14 that's what he told me in Burlington.

15 Q. He also told you this, you say, on
16 that Sunday phone call?

17 A. No.

18 Q. So, you were not telling the truth
19 yesterday or this morning, I think it was yesterday,
20 when you told us he asked about whether Scott had
21 been talking to you?

22 A. Well, it was one of those days
23 about Scott. I don't know. I can't remember.
24 What the heck.

25 Q. Look, witness, you are under oath
26 and I want the truth out of you.

27 A. And I am trying to give you the
28 truth. I am here to tell the truth.

29 Q. Just try a little harder. At page
30 7131 of volume 34 of your evidence yesterday:





1 "Q. He . . . and Mr.
2 Wilson is talking about Constable Lawrence -

3 ". . . just called you up to tell you
4 "that because your name was mentioned,
5 "he was suspended? Is that all he said?

6 "A. He asked me if I talked to
7 "Mr. Scott, if I had ever talked to Mr.
8 "Scott, and I said I didn't, and he
9 "figured that I was talking to Mr. Scott
10 "about him, and I told him I didn't."

11 "Does that help you any? Is that an
12 incorrect statement?

13 "A. There is one of them there is when
14 I talked to him, that I didn't know whether it was
15 Burlington or on the phone.

16 "G. He has already given evidence on
17 this and you are talking about a phone call.
18 Let me go back a question so you will ~~know~~ be
19 in no confusion at all:

20 "Q. Isn't it a fact that the
21 "day before that meeting or the day that
22 "Lawrence and Lamerie were suspended,
23 "Lawrence called you on the telephone and
24 "told you?

25 "A. Yes, and I asked him why
26 "my name was mentioned in there.

27 "Q. Why would he call you the
28 "day he was suspended, which was a Sunday,
29 "and tell you he had been suspended?

30 "A. Well, I don't know. What



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1 "has that got to do with me? If he calls
2 "and tells me he is suspended, it is because
3 "my name was mentioned there.

4 "Q. Is that all he told you?

5 "A. That is all.

6 "Q. He just called you up to
7 "tell you that because your name was mentioned,
8 "he was suspended? Is that all he said?

9 "A. He asked me if I talked to
10 "Mr. Scott, . . ."

11 And I have already read you that part. That is
12 a fairly elaborate explanation. Are you saying
13 that is all incorrect now?

14 A. I said that he talked and mentioned
15 Scott's name.

16 Q. In that telephone call?

17 A. Hm-hm.

18 Q. No doubt about that? Let us get
19 something firm. Pardon?

20 A. Yes, sir, but I didn't know whether it was
21 that there or Burlington.

22 Q. In this telephone call on the Sunday
23 when he told you he was suspended he talked
24 to you about Constable Scott? This is what you
25 have sworn to. This is what you now swear to.
26 Is that correct?

27 A. Well, it was either that time or the
28 other time. I can't remember now; but, that was
29 exactly the trend of the conversation both times.

30 Q. So it was both times, then?



"You know that I am not a doctor."

"And I am not a doctor, I am a nurse."

"My name is Elizabeth."

"I am not a doctor, I am a nurse."

"My name is Elizabeth."

"I am not a doctor, I am a nurse."

"My name is Elizabeth."

"I am not a doctor, I am a nurse."

"My name is Elizabeth."

"I am not a doctor, I am a nurse."

"My name is Elizabeth."

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"I am not a doctor, I am a nurse."

"My name is Elizabeth."

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"My name is Elizabeth."

"I am not a doctor, I am a nurse."

"My name is Elizabeth."

"I am not a doctor, I am a nurse."

"My name is Elizabeth."

"I am not a doctor, I am a nurse."

"My name is Elizabeth."

"I am not a doctor, I am a nurse."



1 A. Pretty well. What connection I
2 had.

3 Q. Why did you want to see him,
4 then? Why were you phoning him again the very
5 next day to see him?

6 A. Because I was worried. This here
7 other thing I done myself, I figured maybe
8 somebody is going to get the blame for it.

9 Q. You were now worried about this
10 here thing, being the \$500., is that it?

11 Well, answer the question, please.

12 THE COMMISSIONER: Q. Do not nod your
13 head; just say yes instead of nodding your
14 head.

15 MR. MACKINNON: I guess he is thinking.

16 Q. Are you going to answer the
17 question?

18 A. What was the question?

19 Q. That you were anxious to see these
20 two gentlemen, Lamorie and Lawrence, because
21 of this here thing?

22 A. Yeah; why was my name mentioned, that
23 is all.

24 Q. But this here thing, I understood,
25 was the \$500. bribe?

26 A. No, no. That was with Mickey and
27 me. It was why my name was mentioned.

28 Q. You talked about that to Lawrence
29 already. Why did you want to see him? You had
30 finished talking to him on Sunday about that?



Q. Now, what time was it?

A. 10:30.

Q. And you were at the bar?

A. Yes, I was at the bar at that time.

Q. And you saw the man?

A. Yes, I saw the man at that time.

Q. And you saw him go out?

A. Yes, I saw him go out at that time.

Q. And you saw him go out?

A. Yes, I saw him go out at that time.

Q. And you saw him go out?

A. Yes, I saw him go out at that time.

Q. And you saw him go out?

A. Yes.

Q. Now, what time was it?

A. It was about 11:00.

Q. And you saw him?

A. Yes, I saw him at that time.

Q. And you saw him go out?

A. Yes, I saw him go out at that time.

Q. And you saw him go out?

A. Yes, I saw him go out at that time.

Q. And you saw him?

A. Yes, I saw him at that time.

Q. And you saw him go out?

A. Yes, I saw him go out at that time.

Q. And you saw him go out?

A. Yes, I saw him go out at that time.

Q. And you saw him go out?

A. Yes, I saw him go out at that time.



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A. That was on the phone?

Q. Yes?

A. I figured he would have more time to talk.

Q. How long did this interview you had with him take?

A. A few minutes.

Q. Only a few minutes?

A. I don't clock him.

Q. Only a few minutes?

A. I didn't clock it.

Q. Only a few minutes?

A. Maybe five minutes, ten minutes.

Q. And Mr. Humphrey was there?

A. Hm-hmm.

Q. Why was Mr. Humphrey there?

A. I don't know.

Q. Had you met him before?

A. No, never saw him before.

Q. Never met him before?

A. No.

Q. Was he introduced to you as McDermott and Peeley's lawyer?

A. Just Mr. Humphrey.

Q. You would not talk about these things in front of a stranger, would you?

A. He said he was David Humphrey, the lawyer, from Toronto, that is right.

Q. I could have told you my name was MacKinnon, the lawyer?

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A.

A. And I would probably trust you as you could see.

Q. You did not really know who Mr. Humphrey was representing and you were not curious about that at all?

A. They were in the car; they were with him.

Q. And did you get in the car?

A. I don't remember. I think we went into the Brant Inn for a coffee or something.

Q. You did not have this interview in the car?

A. I just don't remember.

Q. You do not remember?

A. No.

Q. Do you remember what was discussed, witness? Can you remember that much?

A. The discussion was like I said, the same general trend, about why was my name mentioned in there, and why.

Q. All right. You got that all cleared up, though, that was satisfactory?

A. For who?

Q. For you? Well, was it or wasn't it?

A. Which?

Q. This interview you had at the Brant Inn or in the car you cannot remember, that cleared up what was bothering you as between yourself and Lawrence and Lamoris?

THE COMMISSIONER: Q. Did it?



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1 A. Well, I figured I didn't have
2 nothing to worry about.

3 MR. MacKINNON: Q. All right, you had
4 straightened away what the story was and that
5 you had nothing to worry about. And I guess you
6 assured them they had nothing to worry about,
7 that is your story, you could not put the finger
8 on them because you were completely innocent.
9 That is correct?

10 A. I had nothing to do with no giving
11 police money.

12 Q. You told them that?

13 A. That is right.

14 Q. So they had nothing to worry about
15 as far as you were concerned?

16 A. Yes. Hum-hum.

17 Q. Correct? Just say yes?

18 A. Yes, sir.

19 Q. Why was it necessary for Lamorie
20 to continue to see you after that date? What
21 was he seeing you about? We have had his own
22 evidence on this.

23 A. How do you mean?

24 Q. I will give you an example: Why
25 did he come to see you at the Parkway Lane and
26 make any arrangement to meet you there in July,
27 1960, just a month or so after he had been
28 suspended and after he had spoken to you and
29 cleared the air? Think that one over.

30 A. When they did meet me there?





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MR. MACKINNON: Q. He met you there,
he has so sworn.

A. If he met me there, I don't
know. Just talking.

Q. Are you a friend of his?

A. No.

Q. What were you talking about?

A. The same thing.

Q. You had cleared the air?

A. What cleared the air?

Q. You have just finished telling
me you satisfied each other. Why did you
want to see him again or why did he want to
see you again? Why don't you tell the truth,
witness?

A. What day was that?

Q. In July, 1960. We have already
had sworn testimony you went out and paid
him some money.

A. At the Parkway Lane?

Q. Outside the Parkway Lanes, in
the parking lot.

A. I would like to see the money.

Q. You think that is more important?

A. No, it's not that important
but I told you I don't give a policeman no
money.

Q. Have you a mental reservation,
if you leave it on the seat you are not giving
any money?

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SEE FOLLOWING PAGE 2. I HAVE I HAVE I HAVE

DATE _____



1 A. No, sir. I didn't leave any
2 money and I didn't give any money and nobody
3 accepted any money. Mr. McGroarty left the
4 money in that truck and I picked it up.

5 Q. I am talking about July, 1960,
6 a little later on in the year. You now
7 swear you acknowledge you did meet Lamoris,
8 you are prepared to admit that much, outside
9 the Parkway Lanes?

10 A. I don't remember if I met him.
11 I told you I met him once more than I did
12 Mr. Lawrence.

13 Q. We know about that part, your
14 meeting you had with him.

15 A. And I told him -- I met him once
16 more. If it was the Parkway Lanes, there is
17 400 people bowling in there and I am sure I
18 am not going to give any policeman any money
19 in the Parkway Lane.

20 Q. You are still not listening.
21 I said outside.

22 A. Outside?

23 Q. Outside the Parkway Lanes, you
24 heard me, and you met him outside. He said
25 he did not think it would look good for you
26 to meet him inside. He went that far, at
27 least.

28 A. If I met him, that is all I
29 discussed, about this here Scott.

30 Q. We are still discussing Scott?



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... ..



1 A. That is right.

2 Q. I see. And you now swear that
3 you never telephoned Lamorie?

4 A. I telephoned Lamorie, certainly.

5 Q. More than once?

6 A. Yes.

7 Q. And why were you calling him?

8 A. Well, the one time I called him
9 to come over to Toronto because he knew how
10 to get hold of Carmen Lawrence and I never knew
11 how.

12 Q. You wanted to see Lawrence again?

13 A. That was at the bowling alley.

14 Q. You wanted to see Lawrence again?

15 A. At the bowling alley.

16 Q. You wanted to see Lawrence again?

17 Listen to my questions.

18 A. I wanted to see both of them.

19 Q. You wanted to clear the air again?
20 You wanted to get your stories straight; is
21 that it?

22 A. I wanted to know when them guys
23 was talking about me.

24 Q. You had already discussed it
25 three or four times, why was it necessary to
26 discuss it again?

27 A. Because I hadn't seen Lawrence
28 for two years. I didn't know what was going
29 on; I didn't know he was talking about me.

30 Q. You just wanted to make sure he was

[illegible]



1 not talking?

2 A. And he wasn't talking.

3 Q. We understand that. You all were
4 not talking, except there has been a breach
5 in the dike. Have you been in a room in the
6 Westbury Hotel within the last two weeks?

7 A. Where is it?

8 THE COMMISSIONER: Q. In Toronto.

9 MR. MacKINNON: Q. Toronto.

10 THE COMMISSIONER: Q. Now, do not say
11 you do not remember that.

12 A. Westbury Hotel?

13 MR. MacKINNON: Q. That is right, over on
14 Bay (sic), just north of College. I am sorry,
15 on Yonge, just north of College.

16 A. Westbury?

17 Q. Westbury, that is right.

18 THE COMMISSIONER: Q. Hurry along, it
19 won't take you long to remember that.

20 A. Was I in a room in the Westbury
21 Hotel?

22 Q. Yes.

23 A. Checked in?

24 Q. No, were you in a room there?

25 MR. MacKINNON: Q. You are too legalistic
26 for me.

27 A. No, I haven't been in Toronto
28 for a couple of weeks.

29 Q. Did you ever meet Petryehanko in
30 a room there?



has nothing

Q.

Q. Now, you said that you had a room in the

house, and that you had a room in the

house, and that you had a room in the

house, and that you had a room in the

A. Yes, I had a room in the

house, and that you had a room in the

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1 A. No, sir.

2 Q. No?

3 A. No, sir.

4 THE COMMISSIONER: Q. Do you swear to
5 that?

6 A. In a room in the Westbury?

7 Q. That is right.

8 MR. MACKINNON: Pardon?

9 THE COMMISSIONER: Just a minute.

10 Q. That is right, a room in the
11 Westbury. Do you swear to that? Hurry along,
12 I cannot wait here all day.

13 A. Petrychenko?

14 Q. Who did you think we were talking
15 about?

16 A. Yes. Well, I am trying to think
17 about what reason I would have to meet him.

18 Q. Hurry up.

19 A. I will swear to that.

20 Q. Swear to what?

21 A. That I never was in a room with
22 Petrychenko in the Westbury Hotel.

23 Q. We have that definite. You won't
24 change your mind on that?

25 A. I hope not.

26 MR. MACKINNON: Q. That is quite a
27 change. Were you ever in a room in the Westbury
28 Hotel with ex-police constable Lamorie?

29 A. No, sir.

30 Q. Within the last two weeks?



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1 A. No, sir.

2 THE COMMISSIONER: Q. Were you in a
3 room in the Westbury Hotel in the last month?

4 A. I don't even know where it is.
5 Don't tell me, because I don't know where it
6 is and I don't want to know.

7 Q. I will tell you: It is on
8 Yonge Street just north of College, on the
9 east side of the street.

10 A. Well, I don't know where it is.

11 Q. That is the hotel we are talking
12 about. Were you in that hotel in the last
13 30 days? You heard the question.

14 A. What did you say?

15 MR. MACKINNON: Q. I did not say
16 anything.

17 THE COMMISSIONER: Q. I say, you heard
18 the question.

19 A. Yes. I said I wasn't in the
20 Westbury.

21 Q. You deny that?

22 A. Yes.

23 Q. All right.

24 MR. MACKINNON: Q. Were you in any hotel
25 in Toronto within the last two weeks with
26 Petrychenko?

27 A. No.

28 THE COMMISSIONER: I do not know whether
29 he puts any accent on the "with". Ask him
30 if he ever met Petrychenko in the Westbury Hotel



Q. Now, you are

THE CHAIRMAN: I have you in a

room in the Western Hotel in the last month

A. I don't even know where it is.

Q. Well, I don't know where it is.

A. I don't want to know.

Q. I will tell you it is in

large room just north of College, on the

west side of the street.

A. Well, I don't know where it is.

Q. That is the hotel we are talking

about. Have you a card book in the last

30 days? You have the card book.

A. What did you say?

Q. I said you had a card book.

A. Yes.

Q. Well, I don't know where it is.

A. I don't know where it is.

Q. I said I want to see it.

A. Yes.

Q. You have it?

A. Yes.

Q. I want to see it.

A. Yes.

Q. I want to see it.

A. I don't know where it is.

Q. I want to see it.

A. Yes.

Q. I want to see it.

A. I don't know where it is.

Q. I want to see it.



1 in the last 30 days.

2 MR. MacKINNON: Q. Have you ever met
3 Petryshenko in any Toronto hotel within the
4 last 30 days?

5 A. 30 days?

6 Q. That is a month.

7 A. Yes. No.

8 THE COMMISSIONER: Q. Do you swear to
9 that?

10 A. I swear to that.

11 MR. MacKINNON: Q. Now, do you also
12 swear that you have not spoken to Lamorie,
13 either directly or on the telephone, since
14 he gave evidence here?

15 A. Who? Lamorie?

16 Q. Lamorie.

17 A. Since he gave evidence?

18 Q. Since he gave evidence here. You
19 would remember that, witness.

20 A. Pardon?

21 Q. You will remember that, if you
22 discussed it with him? You have spoken to him
23 since he gave evidence in this room? The
24 last day being June the 4th, 1962.

25 A. June?

26 Q. June.

27 THE COMMISSIONER: Q. That is this
28 month.

29 A. Ra-hum. Well, I talked to
30 him this month but I can't remember.



to the same in 1900.

1. The first of these is the fact that the

population of the United States in 1900 was

about 76 million.

2. The second is the fact that the

area of the United States in 1900 was

about 3,600,000 square miles.

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of the United States in 1900 was

about 1,000,000 square miles.

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about 1,000,000 square miles.

9. The ninth is the fact that the

total

of the United States in 1900 was

about 1,000,000 square miles.



1 MR. MacKINNON: Q. All right. We
2 will start on that, then, witness. Where
3 were you when he talked to you or you talked
4 to him?

5 A. Which one? Who?

6 THE COMMISSIONER: Q. Petrychenko.

7 MR. MacKINNON: ~~Yes~~ No, I am talking
8 about Lamorie.

9 THE COMMISSIONER: I am all mixed up
10 now.

11 MR. MacKINNON: I do not blame you a
12 bit with this witness.

13 Q. You said you have spoken to
14 Lamorie this month, and this is now June the
15 13th, I believe.

16 THE COMMISSIONER: I am still thinking
17 of Petrychenko.

18 MR. MacKINNON: All right.

19 Q. Where were you when you spoke
20 to Lamorie?

21 A. I don't think I spoke to him.

22 Q. That is not true, then. You
23 said you knew you had spoken to him this month.

24 A. I don't remember speaking --
25 I don't know -- I don't think I spoke to him.

26 Q. It must have been fairly recently,
27 if you said you spoke to him.

28 A. I can remember speaking to him.

29 Q. Where were you when you spoke
30 to him?



2. If you are not a U.S. citizen, please provide your country of birth and date of birth.

● 2014 年 12 月 1 日 星期一



1 A. I don't remember that, either.

2 I don't think I spoke to him.

3 Q. You have spoken to him fairly
4 recently, that is fairly obvious. Let us not
5 put any time limit on it or a date on it, but
6 where were you and where was he? Was this
7 face to face, first of all?

8 A. No, I haven't seen him.

9 Q. Was it on the telephone? It
10 must have been.

11 A. I don't think so.

12 Q. You are now back to the position,
13 that you have not spoken to him at all for
14 months?

15 A. Yeah.

16 Q. Now, we have had some evidence
17 here with regard to Petrychenko. He was one
18 of your boys, wasn't he?

19 A. How do you mean, my boys?

20 Q. Well, he was operating under
21 your protection and with your assistance, wasn't
22 he?

23 A. Well, what protection?

24 Q. We have had Mr. Keenan --

25 A. I told you the protection I had.

26 Q. We have had evidence from Mr.

27 Keenan here. Let me put it this way: Petrychenko
28 was charged and convicted in the spring of
29 1960, wasn't he, of a gaming offence, bookmaking?

30 A. I don't -- Yes, he was charged



A. I have a question about that.

I want to know if you can tell me.

Q. You have spoken to him today.

He said that he is fairly certain. He is not

not any time limit on it or a date on it, but

that you have not heard any more from him.

He is not, is he?

A. No, I haven't seen him.

Q. Was it on the telephone?

Yes, that's right.

A. I don't know.

Q. You are now back to the position.

that you have not spoken to him at all for

months?

A. Yes.

Q. Now, we have had some evidence

here with regard to his behavior. He was one

of your boys, wasn't he?

A. Now do you mean, my boy?

Q. Well, he was described in the

your production and with your testimony, wasn't he?

Yes, that's right.

A. Well, what question?

Q. He was not Mr. Korman's son.

A. I told you that Korman was I told.

Q. He was not Korman's son.

Korman's son. He was not the same boy.

was changed and converted to the other side.

Yes, that's right, he was changed.

A. I told you -- Yes, he was changed.



1 and convicted.

2 Q. Mr. Keenan has told us you made
3 arrangements to have him defend this gentleman.

4 A. That is right.

5 Q. And that he understood you were
6 the man to whom he would look for payment.

7 Correct?

8 A. Not correct. I -- Mr. Petrychenko
9 paid him. I am pretty sure he did.

10 Q. You are pretty sure?

11 A. Yeah.

12 Q. If Mr. Keenan feels maybe you
13 paid him he was under a misapprehension?

14 A. It is possible I might have got
15 the money from Petrychenko to give it to him,
16 and I am sure it was Mr. Petrychenko's money
17 that paid him.

18 Q. Nobody else's money?

19 A. No.

20 Q. What was your interest in this?

21 A. He is a good friend of mine.

22 Q. A member of the fraternity?

23 A. No. I bowl with him. His
24 wife was in hospital with my sister and I know
25 him for years.

26 Q. He is from another town, isn't he?

27 A. So-called.

28 Q. Well, is he?

29 A. So-called.

30 Q. What is it, Thorold?



and continued.

Q. Now, when was told no more?

A. I was told no more when I was told that I was not to go.

Q. What is right?

A. I was told that I was not to go.

Q. Now, when was told that I was not to go?

A. I was told that I was not to go.

Q. Now, when was told that I was not to go?

A. I was told that I was not to go.

Q. Now, when was told that I was not to go?

A. I was told that I was not to go.

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Q. Now, when was told that I was not to go?

A. I was told that I was not to go.

Q. Now, when was told that I was not to go?

A. I was told that I was not to go.



1 A. Yes. Do you call that -- That's
2 not another town.

3 Q. Are you the sort of man that
4 these people all come to when they need legal
5 assistance?

6 A. I told you that I established
7 myself as a big-shot, phoney. Don't you
8 understand?

9 Q. Oh, I think I understand a lot,
10 witness.

11 A. That is exactly what happened.
12 These people thought I had something.

13 Q. So Petrychenko came to you first
14 and said, "What will I do?". Is that it?
15 Pardon?

16 A. No. I just suggested he get a
17 lawyer.

18 Q. You could not make any suggestions
19 to him?

20 A. He didn't come to me first. I
21 just suggested he should get a lawyer.

22 Q. How did you know anything about
23 it?

24 A. I told him. I talked to him a lot.

25 Q. He came to you. He spoke to you
26 about it?

27 A. No, he just told me he had got
28 pinched.

29 THE COMMISSIONER: Q. He was taken into
30 custody, wasn't he?



There have been many more in almost every

... ..



1 A. This was after. I didn't know
2 he was in custody. I was away.

3 Q. Pardon?

4 A. I think I was away.

5 Q. When?

6 A. I don't know. Whenever he was
7 in custody, because I don't remember when he
8 was in custody.

9 MR. MACKINNON: Q. We have heard evidence
10 from Mr. McGroarty that you stated that Lamorie
11 was always bugging you for money after he
12 resigned?

13 A. McGroarty is a liar.

14 Q. We will determine who is the liar
15 here.

16 A. I tell you, he is a liar. He
17 never bugged me for anything.

18 Q. Lamorie never asked you for anything?

19 A. Not a nickel. I told you that
20 is what happened about the truck.

21 Q. Let us forget about the truck.
22 You are pre-occupied with the truck right now.
23 I am speaking about after the truck and after
24 Lamorie left his occupation as a provincial
25 Police constable and was without employment.
26 You say he never asked you for money, first
27 of all, after that date of May 30th, 1960?

28 A. He never asked me for money
29 any date.

30 Q. He never asked you for money after

[illegible]



1 May the 30th, 1960?

2 A. Any date.

3 Q. And you never paid him any money?

4 A. At any time.

5 Q. Did you ever tell McGroarty you
6 were tired of this constant asking for money
7 by Lamorie and you were going to have Joe
8 McDermott fix it up?

9 A. No, sir.

10 Q. And do you now swear you never
11 spoke to McDermott or Feeley about Lawrence
12 and Lamorie asking for money?

13 A. That is right.

14 Q. I just want to get you on the record,
15 witness. You appreciate that?

16 Did you know John Papalia - that is,
17 Pops Papalia?

18 A. I don't know. I knew -- I
19 knew his brothers.

20 Q. You do not know Pops Papalia?

21 A. No, I don't think so. He lived
22 in Toronto.

23 Q. Was he never over in St. Catharines
24 with regard to the Parkdale Recreation Club?

25 A. His brother Frank was there.
26 I saw his brother.

27 Q. What interest did his brother
28 Frank have in it?

29 A. I don't know anything about it.
30 All I know, I saw him there and I had tea with



1941-1942 1943 1944

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1 him at one of the restaurants.

2 Q. And this would be, once again,
3 in the period of 1960?

4 A. I don't know what date. No,
5 not exactly. I don't know.

6 Q. Now, I believe you acknowledge
7 knowing Felix Borelli?

8 A. That is right.

9 Q. How would you know him?

10 A. Well, we live ten miles from
11 Niagara Falls.

12 Q. A lot of people live in Niagara
13 Falls.

14 A. I know, and I have been in the
15 clubs there.

16 Q. What clubs?

17 A. Oh, there was the old Italo Club
18 and I used to go in there. As a matter of
19 fact, I think I got a conviction from being
20 there when the place was raided.

21 Q. I am asking about Felix Borelli,
22 though.

23 A. He was there, I think. That
24 is how I know him.

25 Q. Would you know him from the
26 Ramsay Club?

27 A. Never was in the club.

28 Q. Never in your life?

29 A. Never in my life.

30 Q. Do you know Henry Demori?



Q. Now, did you see the defendant?

A. Yes, I saw him.

Q. In the period of time?

A. Yes, I saw him.

Q. Now, I believe you mentioned

something about the defendant?

A. Yes, I saw him.

Q. Now would you know him?

A. Yes, I saw him.

Q. Now, I believe you mentioned

something about the defendant?

A. Yes, I saw him.

Q. Now, I believe you mentioned

something about the defendant?

A. Yes, I saw him.

Q. Now, I believe you mentioned

something about the defendant?

A. Yes, I saw him.

Q. Now, I believe you mentioned

something about the defendant?

A. Yes, I saw him.

Q. Now, I believe you mentioned

something about the defendant?

A. Yes, I saw him.

Q. Now, I believe you mentioned

something about the defendant?

A. Yes, I saw him.

Q. Now, I believe you mentioned

something about the defendant?

A. Yes, I saw him.



1 A. Hank Demoré?

2 Q. Yes.

3 A. The hockey player? Yes.

4 Q. You know him from something else
5 than hockey?

6 A. I know he comes in the bowling
7 alley, the Midtown.

8 Q. Where does he live?

9 A. I don't know.

10 Q. Niagara Falls?

11 A. Yeah.

12 Q. Now, when you were talking to
13 Lawrence a few months ago, when you came down
14 to the bowling alley, Olympia-Edwards I think
15 you said it was ? Please answer.

16 A. Yes, sir.

17 Q. What discussion was there between
18 you and Lawrence as to Lawrence making a
19 statement which he would deliver to Mr. Rose?

20 A. I never saw that; I never heard
21 about it.

22 Q. You did not see it. What
23 discussion was there about it?

24 A. No. He didn't mention any
25 statement. Petrychenko came over and Petrychenko
26 talked to him.

27 Q. You were not talking to him?

28 A. Yeah, but I didn't have too
29 much to say. I said, "I don't care. I
30 know I have nothing to do with nothing, and



1 that's it". And Petrychenko said, "Why is
2 my name mentioned in there? I got pinched
3 and here the people think I have been paying
4 money and I get pinched".

cc/3
5 Q. And just once again, so we will
6 have you clearly on the record: You now
7 swear you received no money for any purposes
8 from McIlwaine. Is that correct?

9 A. That is right.

10 Q. You received no money from
11 Petrychenko?

12 A. That is right.

13 Q. You received no money from
14 Fortura?

15 A. That is right.

16 Q. And you received no money from
17 Christoff?

18 A. That is right.

19 Q. That is right. And I am
20 talking about in 1960, just so we will even
21 narrow it down.

22 A. You talk about "received any
23 money", for what?

24 THE COMMISSIONER: Q. For any purpose?

25 MR. MACKINNON: Q. First of all, from
26 McIlwaine for any purpose? You have sworn
27 you had no dealings with him at all.

28 A. McIlwaine? No, I have never
29 dealt with McIlwaine that I can remember.

30 Q. So, you received no money from him



Q. Now, did you see the man who was with the woman?

A. Yes, I saw him. He was standing next to her.

Q. Did you see him when he was talking to the woman?

A. Yes, I saw him. He was talking to her.

Q. Did you see him when he was talking to the woman?

A. Yes, I saw him. He was talking to her.

Q. Did you see him when he was talking to the woman?

A. Yes, I saw him. He was talking to her.

Q. Did you see him when he was talking to the woman?

A. Yes, I saw him. He was talking to her.

Q. Did you see him when he was talking to the woman?

A. Yes, I saw him. He was talking to her.

Q. Did you see him when he was talking to the woman?

A. Yes, I saw him. He was talking to her.

Q. Did you see him when he was talking to the woman?

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A. Yes, I saw him. He was talking to her.

Q. Did you see him when he was talking to the woman?

A. Yes, I saw him. He was talking to her.



1 for any purposes?

2 A. I don't think so.

3 Q. Well, you know.

4 A. Well, I have played pool there
5 and if he puts his money in the pot and I
6 win it, that is receiving money.

7 Q. Are you now swearing you received
8 no money from these four men I have named?

9 A. For what?

10 Q. For the purpose of giving them
11 protection?

12 A. That is right, I have given ---
13 Never got no money.

14 Q. From these four gentlemen?

15 A. That is right.

16 Q. Or from any one of them?

17 A. Or from anybody.

18 Q. Did you have occasion in the
19 spring of 1960 to call a lawyer in Hamilton?

20 A. I don't think so.

21 Q. Did you ever call John Agro?

22 A. No, sir.

23 Q. Pardon?

24 A. No.

25 Q. That is definite?

26 A. Yeah. I don't even know him.

27 Q. In that springtime did you call
28 any one of the Papalias long-distance?

29 A. No.

30 Q. And by that springtime, so once



Q. Now, what was the date of the first meeting?

A. I don't think so.

Q. Now, what was the date of the second meeting?

A. I don't know.

Q. Now, what was the date of the third meeting?

A. I don't know.

Q. Now, what was the date of the fourth meeting?

A. I don't know.

Q. Now, what was the date of the fifth meeting?

A. I don't know.

Q. Now, what was the date of the sixth meeting?

A. I don't know.

Q. Now, what was the date of the seventh meeting?

A. I don't know.

Q. Now, what was the date of the eighth meeting?

A. I don't know.

Q. Now, what was the date of the ninth meeting?

A. I don't know.

Q. Now, what was the date of the tenth meeting?

A. I don't know.

Q. Now, what was the date of the eleventh meeting?

A. I don't know.

Q. Now, what was the date of the twelfth meeting?

A. I don't know.

Q. Now, what was the date of the thirteenth meeting?

A. I don't know.

Q. Now, what was the date of the fourteenth meeting?

A. I don't know.

Q. Now, what was the date of the fifteenth meeting?

A. I don't know.



1 again we won't be confused, the springtime
2 of 1960, the answer is no?

3 A. I never ever called Papalia.

4 Q. In these numerous discussions
5 you had with McGroarty did you discuss with
6 him Assistant Commissioner Bartlett?

7 A. Don't even know him.

8 Q. That is not the question.

9 A. No, didn't discuss him.

10 Q. His name never came up?

11 A. Never.

12 Q. You never suggested Mr. Bartlett
13 might have a heart attack before he did have
14 the heart attack?

15 A. No, sir.

16 Q. I think -- Do you know Mr. Jolley,
17 Arthur Jolley?

18 A. No, sir.

19 Q. Never met him?

20 A. No, sir.

21 Q. Never spoken to him either, I
22 take it?

23 A. No, sir.

24 MR. MACKINNON: I do not think there
25 is much point in anything further on this man.

26 THE COMMISSIONER: Well, we will rise
27 for five minutes.

28
29 ---Short recess.



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SAMUEL BALSON, Resumes the stand

THE COMMISSIONER: Mr. Mackinnon, find out about the time he borrowed this truck.

MR. MACKINNON: Yes, I have a couple of questions.

Q. Do you know Vince Hearn?

A. Vince Hearn, yes.

Q. Who is he?

A. He is a window cleaner.

Q. Cleaning windows for you?

A. Well, no.

Q. Did you ever give him any jobs?

A. Vince Hearn?

Q. Yes.

A. I, I gave him some money to buy a truck.

Q. You gave him some money to buy a truck?

A. His first truck, about \$50, \$60.

Q. That is a long time ago, or fairly recently?

A. Long, long ago.

Q. And you have come to know him intimately, since?

A. I wouldn't say.

Q. What kind of reputation has he got in St. Catharines?



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A. Not too good.

Q. Was he known to you at any time as an enforcer, that is someone who uses strong arm methods?

A. Not to me, sir.

Q. His bad reputation does not cover that activity?

A. He gets -- he drinks and fights like all young fellows but -- I don't know.

Q. He is a young fellow?

A. Thirty-one, thirty-two. I don't know.

Q. Is he a big person?

A. A really big fellow.

Q. A really big fellow. Did you give him any money in the last two weeks?

A. I have not even seen him.

Q. You have not even seen him, and you have not given him any either?

A. No, sir.

Q. You have not hired him to do anything for you in the last, let us put it, let us put it since May 15th?

A. I have not even seen him.

Q. You have not hired him to do anything for you?

A. I have not seen him, hired him, spoke to him.

Q. That is fine.

Now, this panel truck, or sedan truck,

[illegible]

... ..



1 whatever you call it, you borrowed from
2 your friend. When did you borrow it?

3 A. On the night in question.

4 I don't remember when.

5 Q. On the night in question?

6 A. Yes.

7 Q. At what time? Had you had
8 your evening meal?

9 A. No, I didn't had my evening
10 meal.

11 Q. You didn't, it was before six
12 o'clock?

13 A. I had borrowed it, yes.

14 Q. Before six o'clock?

15 A. Round about six.

16 Q. Round about six?

17 A. Yes.

18 Q. And when did you arrive at
19 Mickey's place, rightaway?

20 A. I drove up there in my car.

21 Q. Oh, you drove up in your car?

22 A. Yes.

23 Q. Had you already parked the
24 truck?

25 A. No, the truck was parked in
26 my driveway.

27 Q. Well, at the time that you
28 drove up to Mickey's place had you had your
29 supper then or your evening meal?

30 A. ^{rightly} I ~~likely~~ don't know, between six



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THE DIVISION OF THE PHYSICAL SCIENCES

DEPARTMENT OF CHEMISTRY

RESEARCH REPORT

NO. 100

1950

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DR. R. M. MAYER

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1 and nine.

2 Q. Between six and nine?

3 A. Yeh, because then I called him.

4 Q. You parked the truck after
5 you called him or before you called him, you
6 parked the truck?

7 A. I parked the truck and I went
8 and called him and I told him that the truck
9 was there, and to leave the money there.

10 Q. And parking the truck, that
11 was about nine o'clock, was it?

12 A. It was getting around dusk.
13 I don't know what time it was.

14 Q. This was in the winter time.
15 Dusk would come quite early.

16 A. In the winter time?

17 Q. Yes.

18 A. Well ---

19 Q. That is right?

20 A. It must have been earlier.

21 Q. Not as late as nine o'clock that
22 you parked the truck? It was around what,
23 it would be around what?

24 A. Well, I guess it was dark.

25 Q. Dark?

26 A. It must have been dark.

27 Q. Around nine o'clock? Pardon?

28 A. Six to nine o'clock, around
29 that time.

30 Q. Six to nine is quite a large



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1 space of time. You got the truck around
2 six o'clock, is that correct?

3 A. Uh-huh.

4 Q. And you took it home?

5 A. Yes.

6 Q. And you parked it at home?

7 A. Yes.

8 Q. Did you pick up your own car
9 right away and drive over to Mickey's place?

10 A. I drove over there.

11 Q. But when?

12 THE COMMISSIONER: In your own car?

13 A. In my car.

14 MR. MACKINNON: Q. When, right away?

15 A. Well, I don't know. Right
16 away, yeh, yeh.

17 Q. Right away?

18 A. Like that, that is all what
19 I would have done.

20 Q. You went over, and after being
21 to Mickey's place you went back home. Did you
22 have something to eat, then?

23 A. Who, me?

24 Q. Yes.

25 A. How do you mean?

26 Q. Did you have your evening meal?
27 That is a way of fixing a time.

28 A. I don't know if I had my evening
29 meal. I know it was around from six, six-
30 thirty, seven-thirty, nine, to eight o'clock,



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1 somewhere around there, after supper time.

2 Q. You missed out eight-thirty?

3 A. After supper time.

4 THE COMMISSIONER: It was dark, in any
5 event?

6 A. I don't know. What date was it?

7 Q. You know.

8 MR. MACKINNON: Q. You are the man who
9 did it.

10 A. I never, I didn't keep track
11 of these things. You don't record them. I
12 had the money in the truck, you know what I mean.

13 THE COMMISSIONER: Q. What time of the
14 year was it?

15 A. I don't know that either.

16 MR. MACKINNON, Q. The best you can do
17 for us is that you picked up a truck at six
18 o'clock, or some time shortly thereafter, and
19 that by nine o'clock you had advised Mickey
20 where the truck was and what he was to do with
21 the money?

22 A. Uh-huh.

23 Q. We have got you on that much?

24 A. What is that?

25 Q. We have got you on that much.
26 You are affirming to that extent?

27 A. I will tell you what I done.
28 Here is what I done. I went and parked the
29 truck ---

30 Q. At about six o'clock?



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2. description of the project and its objectives.

3. The second part of the report is devoted to a

4. detailed description of the experimental work.

5. The third part of the report is devoted to a

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8. detailed description of the results of the work.

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A. I know. And brought it home.

Q. When?

A. I called him and told him I was coming over, and the money in such and such a truck. I said do you understand. He said okay. I said I will call you and went back. I stayed around for a while and then I called him. After I delivered the truck over there I went and hid. I had put the money in the truck, and he walked away, and I took the truck and I went and turned around and went back.

Q. This is after supper?

A. I think it was. I can't recall. It must have been after supper -- I would not want to go and throw something in there in the daytime.

Q. And was Mrs. McGroarty present when you took the money?

A. I didn't see her.

Q. When you gave McGroarty the money?

A. I don't recall whether she was there or not.

Q. If she swears she was there, you are not in a position to deny it, are you?

A. If she -- she could have been there, in somewhere, I can't remember seeing her.

Q. I mean right there, not in the



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1 building, I mean physically present when you
2 gave the money over to McGroarty. She saw this
3 transaction?

4 A. She might have.

5 Q. Q. Fine.

6 A. A. She might have.

7 Q. Now, did you attend, or ever
8 attend a meeting of gamblers in the Seaway Motel?

9 A. The Seaway Motel?

10 Q. That's right.

11 A. I have been in the Seaway Motel.

12 Q. Q. I am sure you have.

13 A. Yes, I am sure I have.

14 THE COMMISSIONER: Did you have a meeting?
15 At a meeting?

16 A. They were real gamblers. We
17 went to the bowling alley then.

18 MR. MACKINNON: Q. Did you meet
19 McDermott at the Seaway?

20 A. No, I can tell you who was there.

21 THE COMMISSIONER: Let us have it.

22 A. One there was the manager of
23 the Midtown, and the co-manager, the manager
24 and the co-manager, the O'Connor Bowling.

25 MR. MACKINNON: Q. Did you ever stay
26 overnight?

27 A. No, sir.

28 Q. Have you ever stayed overnight
29 there at the Seaway Motel?

30 A. No.



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1 Q. Have you never registered there?

2 A. Registered, sure, yes.

3 Q. You have registered?

4 A. I don't know I did or one of
5 the other chaps, but I was there.

6 Q. And did you ever meet any
7 Americans there by pre-arrangement?

8 A. At the Seaway?

9 Q. At the Seaway.

10 A. No, sir.

11 Q. Well, how about the Skyline?

12 A. I don't even know where it is.

13 Q. It is in the same area.

14 A. I don't care.

15 Q. You will agree ---

16 THE COMMISSIONER: It is at Malton.

17 MR. MACKINNON: Q. The Skyline at Malton.

18 A. I don't know where it is.

19 Q. The Skyline Motel, have you
20 ever attended a meeting at the Skyline Motel?

21 A. I don't know where it is.

22 I couldn't ever have gone -- how could I get
23 there if I don't know where it is.

24 Q. It is this side of the airport.

25 A. I don't know where it is, and
26 I have never been there.

27 Q. Did you attend any meeting of
28 Americans at any motel on the western outskirts
29 of Toronto?

30 A. The only Americans I met is in



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1 the bowling alley, in the Jackpot bowling.

2 I have never met any Americans in Toronto.

3 Q. What about the suburbs?

4 A. No, sir.

5 Q. In the outskirts, any motel on
6 the outskirts of Toronto?

7 A. No, sir.

8 Q. And you have never stayed overnight
9 in one of these motels?

10 A. Oh, I have -- we rented a room,
11 we rented a room. We had to bowl.

12 Q. Listen to the question.

13 A. No, I never stayed there.

14 Q. At any motel on the western
15 outskirts?

16 A. No, sir, not that I can remember.

17 THE COMMISSIONER: Any questions?

18 MR. SHINE: Q. Now, witness, the night
19 that you were hiding behind the bushes, did
20 you see Constables, ex-Constables Laurence and
21 Lamerie at all when you put the money in the
22 truck?

23 A. No, sir.

24 Q. Did you see a Provincial Police
25 truck there?

26 A. I saw the Provincial Police had
27 a car?

28 Q. Did you see a Provincial Police
29 car?

30 A. No, sir.



the United States, and the United States

I have never met any Americans in London.

A. (The witness has never)

Q. Now, did you ever

A. In the United States, any kind of

the United States, any kind of

A. (The witness has never)

A. (The witness has never)

in the United States

A. (The witness has never)

the United States, any kind of

A. (The witness has never)

Q. I never met any

A. (The witness has never)

the United States

A. (The witness has never)

the United States, any kind of

A. (The witness has never)

the United States, any kind of

the United States, any kind of

the United States, any kind of

the United States, any kind of

A. (The witness has never)

Q. Did you ever

the United States, any kind of

A. (The witness has never)

the United States, any kind of

the United States, any kind of

the United States, any kind of

the United States, any kind of



1 Q. Not a green truck that might
2 belong to the Provincial Police?

3 A. No, sir.

4 Q. Or two Provincial Police in a
5 restaurant, you didn't see them?

6 A. No, sir.

7 Q. If Mr. McGroarty said that
8 Lawrence and Lamorie were in a restaurant, this
9 is just a coincidence?

10 A. I would say he is out of line.
11 I would say he didn't see them because, well --
12 I don't know. I turned on the corner and
13 I turned right away, so if there was anybody
14 -- I couldn't see in the restaurant, I turned
15 back, in the corner, and I was away.

16 Q. They might have been there?

17 A. I couldn't see anybody in the
18 restaurant. I was on the right side, facing
19 on the street, and the restaurant is on the
20 left side. I know I never got no further
21 than from here (indicating) to there (indicating)
22 in front of the truck, and I backed in there,
23 and I was away.

24 Q. Well, I am turning to one of
25 your conversations with Mr. McGroarty, this is
26 at page 4 of the transcript, Mr. Commissioner.
27 It is, I believe, after Friday, June 1st.

28 "Mickey: I read the uh-huh. How

29 "about this Jolley for perjury?

30 "Balson: Oh, keep quiet about that.





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"Don't talk."

"Mickey: Oh.

"Balson: Oh what. The only thing is
"if you say anything you are on your own.
"You know what I mean."

Is that meant to be a threat?

A. [unclear] No, sir.

Q. [unclear] What did you mean, then, "You
are on your own"?

A. [unclear] I was not going to admit that I
had put, that it was me who took the money out
of the truck, you see. So that is it.

Q. [unclear] How does that put him on his own?

A. [unclear] Well, if he said about giving
somebody some money, that is his business. I
don't know what he is doing.

Q. [unclear] Why would McGrearty be interested
in implicating anybody else? What would be his
reason for implicating Lawrence and Lamerie?

A. [unclear] I don't know. You will have to
ask somebody else. I don't know. I know he is
mad at me.

Q. [unclear] Is he mad at anybody else?

A. [unclear] You know he is mad at me.

Q. [unclear] I don't know if he is ---

A. [unclear] Can you truthfully say ---

Q. [unclear] Just let me ask you the questions.

Is he mad at Shooting Jimmie Jones, do you know
that?

A. [unclear] Who is Jimmie Jones?



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Q. I will read from the transcript.

This is page 7:

"Balson: But anyway, look it, don't

"forget what I said, don't talk to

"anybody until you go inside.

"McGroarty: O.Kay.

"Balson: Because if you do they are

"going to book you right away and me

"and everybody and Shootin Jimmy Jones

"and everybody else."

You mentioned Shootin Jimmy Jones, you let us know who he is.

A. Jimmy Jones, eh? That is really a common name.

Q. Where have you heard it before?

THE COMMISSIONER: What page is that?

MR. SHIME: Page 7.

THE COMMISSIONER: There must be several page 7's in my transcript. I cannot find it, what you are reading. What is the date?

MR. SHIME: Mine are -- they are not together, sir. June 11, 1962. The last page, Mr. Commissioner.

THE WITNESS: Shootin Jimmy Jones?

MR. SHIME: Q. Yes. You said it, I didn't.

A. I know you said it and I said it.

Q. You said it.

A. I don't know who he is.

THE COMMISSIONER: Wait until I find it, please. I am awful sorry but I can't find that



The first of these is the fact that the
 world is not a uniform whole. It is
 divided into many parts, each of which
 has its own peculiar characteristics.
 These characteristics are determined by
 the nature of the soil, the climate, the
 position of the land, and the habits of
 the people who live upon it. The result
 is a world of many different kinds of
 people, each of whom has his own
 way of life, his own customs, and his
 own ideas of right and wrong. This
 diversity of human life is one of the
 most interesting and valuable things
 that we have. It is the source of all
 our knowledge, and it is the basis of
 all our progress. Without it, we
 should be a dull and stagnant world.
 The second of these facts is the fact
 that the world is not a static whole.
 It is constantly changing, and it is
 always in the process of becoming
 something new. This is because the
 world is made up of many different
 parts, each of which is constantly
 changing. The result is a world that
 is always in the process of becoming
 something new. This is one of the
 most interesting and valuable things
 that we have. It is the source of all
 our knowledge, and it is the basis of
 all our progress. Without it, we
 should be a dull and stagnant world.
 The third of these facts is the fact
 that the world is not a perfect whole.
 It is full of many different kinds of
 evil, and it is always in the process
 of becoming something new. This is
 because the world is made up of many
 different parts, each of which is
 constantly changing. The result is a
 world that is always in the process of
 becoming something new. This is one
 of the most interesting and valuable
 things that we have. It is the source
 of all our knowledge, and it is the
 basis of all our progress. Without it,
 we should be a dull and stagnant world.



1 page 7. I do not know what you are reading
2 from. What is the date, under what date?
3 I am supposed to have one of these complete.
4 June 11, you say? June 7, June 10th, June 11,
5 page 1, 2, 3, 4, 5, 6 -- I see it now. Did
6 you say that to him?

7 A. I might have said it, sure.

8 Q. What did you mean?

9 A. I don't know what that means.

10 Q. You are the one who used those
11 words.

12 A. I still don't know what it means.

13 Q. You said something and you didn't
14 know what it meant?

15 A. Yes. I don't know.

16 MR. SHINE: Q. Now, who is the everybody
17 else that you referred to?

18 A. If he agreed to what was read in
19 the paper -- if he figures that he could get
20 everybody in trouble, these guys here, if he
21 said who put the money in the car, and it is me
22 who took the money out of the car, if he said
23 who put it in there, and Mr. Lawrence or Mr.
24 Lamorie took it out, these guys are in trouble
25 for nothing. Here was me, the actor, taking
26 the money out of the car.

27 Q. He only gets Lawrence and Lamorie
28 into trouble, is that everybody else?

29 A. Now about me, eh?

30 Q. What about Shootin Jimmy Jones?



Q. Now, I am not sure about the date.

A. I am not sure about the date.

Q. I am not sure about the date.

A. I am not sure about the date.

Q. I am not sure about the date.

A. I am not sure about the date.

Q. I am not sure about the date.

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Q. I am not sure about the date.

A. I am not sure about the date.



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A. Who is he? I don't know.

Q. Is there any reason he would have
for implicating Lawrence and Lamoire?

THE COMMISSIONER: You have asked that before.

THE WITNESS: Only what he reads in the
paper and saw they are already in trouble, so he
just kept putting them in more. Why shouldn't
he? The same as me. Whenever anybody looks
for a booksaker when coming to St. Catharines,
and it is me they look for.

(Page 7457 follows)





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Q. Who are Colleen and Roscoe?

A. These were Mickey's landlord and landlady.

Q. And did they know that McGroarty worked for you?

A. They know he took bets for me, I think. I am not sure. I did not tell them. If they knew, if they did, they surmised it.

Q. Now, Mr Balson, when you came here you said you were pretty worried about your income tax. You told us yesterday.

A. Yes.

Q. What were you worried about your income tax?

A. Well, I have not filed any.

Q. Why?

A. Well, it is just one of those things. I never had any income. When I was first married, well, the wife, my wife had the first baby, the blind baby, and I owed \$3000 for the hospital bill. I had to pay all that, and I never had no money. It took five or six years to pay the \$3000 hospital bill for the blind daughter, the blind girl. Does that answer it?

Q. If you had no income you did not have to worry about filing your income tax return?

A. I never had any specific



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1 income. No income that I could say I am going
2 to buy a car on credit, or something -- I
3 couldn't do it. I just live from day to day,
4 that's it.

5
6 Q. Why, then, were you so worried
7 about filing an income tax return? It
8 does not matter. Why were you so worried?

9 A. Well, I have not filed.

10 Q. You were worried about not
11 filing altogether, is that it?

12 A. Is that not something to
13 worry about?

14 Q. If you had no income.....

15 A. Is that not something to worry
16 about?

17 Q. You said you were worried about
18 it.

19 You laid-off some bets with McDermott?

20 A. I bet with him.

21 THE COMMISSIONER:

22 Q. You laid off with him?

23 A. Yes.

24 Q. McDermott.

25 MR. SHIMM:

26 Q. On what?

27 A. Baseball, and horses.

28 THE COMMISSIONER:

29 Q. Starting when? How long had
30 you been doing that for?

A. Ten, eleven years, twelve years I



1. The first part of the report is a general statement of the work done during the year.

2. The second part is a detailed account of the work done in each of the several departments.

3. The third part is a summary of the results of the work done during the year.

4. The fourth part is a statement of the financial results of the work done during the year.

5. The fifth part is a statement of the progress made during the year.

6. The sixth part is a statement of the work done during the year.

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28. The twenty-eighth part is a statement of the work done during the year.

29. The twenty-ninth part is a statement of the work done during the year.

30. The thirtieth part is a statement of the work done during the year.



1 night -- I made the odd bet with him.

2 Q. You mean you laid off with him,
3 when you say that?

4 A. I don't know what you mean.

5 Q. Bets?

6 A. A five or ten dollar bill.....

7 Q. As I understand you -- for once
8 let us be frank with one another, so that we
9 can understand one another, we do understand
10 one another -- my understanding is, what
11 you have already said is that you were making
12 book, and when you got too much on one horse
13 you would call McDermott and lay off with him.
14 Is that the way you understand it?

15 A. I understand, when I started
16 to make book, after my blind daughter.....

17 Q. I don't care when you started.
18 From the time you started you were in the
19 habit of laying off some bets with McDermott?

20 A. No, not until the last four
21 or five years, but I was betting with him a
22 long time, years ago, four or

23 Q. The last four or five?

24 A. Three to four years.....

25 Q. All right. You have been
26 laying off bets. How did you know where
27 to get him?

28 A. He gave me his number.

29 MR. SHIME:

30 Q. Who set the odds?





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A. On the baseball game?

Q. Yes.

A. They go by the pitcher. In the American papers they have them right there at the bottom.

Q. What about the horses?

A. The horses are determined after they run, by the amount paid bet on them.

THE COMMISSIONER:

Q. The bookies don't pay the same odds as on the track?

A. Up to 15 to 1.

MR. SHINN:

Q. How much money have you laid off with McDermott over the period of years?

A. I don't know. I really can't say.

Q. \$100, \$200? Can you give an approximation?

A. No. How could I guess?

Q. Since you received the subpoena April 4 you have had a phone call from McDermott -- you had a phone call from McDermott, didn't you? He called you?

A. Um-hum.

Q. What did he say? Why did he call you? What did he say to you, first of all?

A. McDermott called me April 4?

Q. Yes. Since April 4th he has



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1971-1972



1 called you on the telephone. You told us that
2 yesterday.

3 THE CHAIRMAN: You have asked the
4 question. He will give you some sort of
5 answer, I hope.

6 A. I can't remember. That is
7 all the same thing jumbled about.

8 Q. What did he call you about?

9 A. The same thing.

10 Q. I do not understand.

11 A. Everything, always the same, about
12 Mr Scott. What is this all about -- holy meek,
13 and all -- it is the same thing.

14 MR SHINE:

15 Q. And you say you met him at
16 a coffee shop and talked about the same thing,
17 all about the same thing, Scott. You did not
18 run out of conversation, that is all you talked
19 about?

20 A. Mr McDermott?

21 Q. Yes?

22 A. I didn't, he talked about this.....

23 THE CHAIRMAN:

24 Q. About what?

25 A. About anything like this.

26 Q. Anything like what?

27 A. What a shame for the families,
28 going through all this here. You know what I
29 mean. My wife is under real stress and duress --
30 what the heck -- I have kids going to school,



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Q. Yes.

A. Yes, and like, I killed nobody.

Q. No.

A. No.

Q. What was he calling you pup about?

A. Well, everybody -- every time you read something it is Balson, or Lawrence or Lamorie, or Petrochenko -- that's what we talked about, isn't it a shame. That's all, isn't it a shame. What's this all about.

MR. CHINE:

Q. Did the police ever search your house and find crooked dice?

A. Yes, sir.

Q. When was that?

A. Mr Anderson knows.

Q. What did you use them for?

A. Nothing.

Q. Who gave them to you?

A. Who gave them to me?

Q. Yes. Where did you get them?

A. Somebody cheated me, and I found them.

Q. 100 pairs?

A. Yes, that's right.

Q. Where did you find them?

A. On the roadside.

THE COMMISSIONER:

Q. 100 pairs of crooked dice?





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A. That's right.

Q. Which is it, you say somebody cheated you, and you took them from him.....

A. On the road.....

Q. Just a minute. Somebody cheated you in a dice game?

A. Yes.

Q. And you discovered this, and you took them?

A. Yes.

Q. And where did you get the other 99 pair?

A. He ran out to his car, and I got them out of his car.

Q. You took them out of his car?

A. You know.....

Q. No, I do not know.

A. I was struggling with him, and I took the dice off him. I have never been out with any dice to shoot crap.

Q. Where did you get them? You found them on the roadside?

A. What?

Q. You said you found them on the roadside?

A. Yes, because he threw them out of the car when he went to get into the car, his car. We were fighting.

Q. You did not find them. You picked them up?



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A. I picked them up.

Q. And who was the fellow?

A. I don't know. If I had known him -- I don't know who he was.

THE CHAIRMAN: --

Q. Where was this?

A. Eh? At a stag.....

Q. Where?

A. There are all kinds of stags.....

Q. But where was this one?

A. In Port Dalhousie. It was in The Embassy.

Q. When?

A. I don't recall -- seven or eight years ago.

Q. How did you happen to get caught with 100 pair of crooked dice?

A. Well, I just kept them in the house, and I left them there.

Q. And they raided your house?

A. Yes.

MR SHIMM: --

Q. Did you ever sell crooked dice to anyone?

A. No, sir.

Q. Why didn't you throw them away?

A. They were not being used. They were in my house. Why should I worry about them? I have a gun at home, but I never



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1 use it.

2 THE COMMISSIONER:

3 " You have one in your own home?

4 A. Yes.

5 " Do you have a permit for it?

6 A. Yes. It's a shotgun -- I
7 seen rifle -- no permit, I don't need that out
8 there.

9 Q. Don't you. Is that the only
10 weapon you have at home?

11 A. I don't know.....

12 " Is that the only weapon you
13 have at your home?

14 A. I would say.

15 " You would say, you know.

16 A. What do you mean by weapon?
17 Everything is a weapon.

18 Q. Firearms?

19 A. Yes.

20 " Is that the only firearm you
21 have at your home?

22 A. I have a bow and arrow.

23 Q. Don't be smart.

24 A. That is not a firearm -- I'm
25 not being smart.

26 " Is that the only firearm at
27 your home?

28 A. Yes.

29 Q. Are you sure of that?

30 A. Yes, sir.





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A. Yes, sir.

MR. SHINE:

Q. What were the honest dice
doing in your home? What did you use them
for?

A. I didn't use dice for anything.
I didn't go and shoot crap.

Q. There were some crooked dice
and some honest dice found?

A. All in the same.

Q. And they were all in wrappers,
weren't they?

A. That is how they were.

Q. You scooped up all the wrappers
and put them in your pocket?

A. They were all in boxes. That
is how they were.

Q. Mr Commissioner, I do not
see any point in continuing.

THE COMMISSIONER:

Neither do I.

Mr Rose?

MR. ROSE: I have no questions, sir.

THE COMMISSIONER:

That is all for the time being.

(Witness steps down)

--- Whereupon the hearing adjourned at 5.59 p.m.



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